



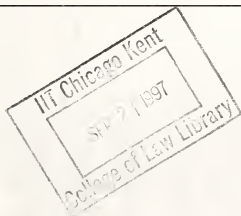
1997

Illinois Register

Rules of Governmental Agencies

Volume 21, Issue 37—September 12, 1997

Pages 12,274 - 12,764



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INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 1997

Material Rec'd after Noon on:	And before Noon on:	Will be in Issue #:	Published on:	Material Rec'd after Noon on:	And before Noon on:	Will be in Issue #:	Published on:
Dec. 24, 1996	Dec. 31, 1996	1	Jan. 3, 1997	July 1, 1997	July 8, 1997	28	July 11, 1997
Dec. 31, 1996	Jan. 7, 1997	2	Jan. 10, 1997	July 8, 1997	July 15, 1997	29	July 18, 1997
Jan. 7, 1997	Jan. 14, 1997	3	Jan. 17, 1997	July 15, 1997	July 22, 1997	30	July 25, 1997
Jan. 14, 1997	Jan. 21, 1997	4	Jan. 24, 1997	July 22, 1997	July 29, 1997	31	Aug. 1, 1997
Jan. 21, 1997	Jan. 28, 1997	5	Jan. 31, 1997	July 29, 1997	Aug. 5, 1997	32	Aug. 8, 1997
Jan. 28, 1997	Feb. 4, 1997	6	Feb. 7, 1997	Aug. 5, 1997	Aug. 12, 1997	33	Aug. 15, 1997
Feb. 4, 1997	Feb. 11, 1997	7	Feb. 14, 1997	Aug. 12, 1997	Aug. 19, 1997	34	Aug. 22, 1997
Feb. 11, 1997	Feb. 18, 1997	8	Feb. 21, 1997	Aug. 19, 1997	Aug. 26, 1997	35	Aug. 29, 1997
Feb. 18, 1997	Feb. 25, 1997	9	Feb. 28, 1997	Aug. 26, 1997	Sept. 2, 1997	36	Sept. 5, 1997
Feb. 25, 1997	Mar. 4, 1997	10	Mar. 7, 1997	Sept. 2, 1997	Sept. 9, 1997	37	Sept. 12, 1997
Mar. 4, 1997	Mar. 11, 1997	11	Mar. 14, 1997	Sept. 9, 1997	Sept. 16, 1997	38	Sept. 19, 1997
Mar. 11, 1997	Mar. 18, 1997	12	Mar. 21, 1997	Sept. 16, 1997	Sept. 23, 1997	39	Sept. 26, 1997
Mar. 18, 1997	Mar. 25, 1997	13	Mar. 28, 1997	Sept. 23, 1997	Sept. 30, 1997	40	Oct. 3, 1997
Mar. 25, 1997	Apr. 1, 1997	14	Apr. 4, 1997	Sept. 30, 1997	Oct. 7, 1997	41	Oct. 10, 1997
Apr. 1, 1997	Apr. 8, 1997	15	Apr. 11, 1997	Oct. 7, 1997	Oct. 14, 1997	42	Oct. 17, 1997
Apr. 8, 1997	Apr. 15, 1997	16	Apr. 18, 1997	Oct. 14, 1997	Oct. 21, 1997	43	Oct. 24, 1997
Apr. 15, 1997	Apr. 22, 1997	17	Apr. 25, 1997	Oct. 21, 1997	Oct. 28, 1997	44	Oct. 31, 1997
Apr. 22, 1997	Apr. 29, 1997	18	May 2, 1997	Oct. 28, 1997	Nov. 4, 1997	45	Nov. 7, 1997
Apr. 29, 1997	May 6, 1997	19	May 9, 1997	Nov. 4, 1997	Nov. 10, 1997*	46	Nov. 14, 1997
May 6, 1997	May 13, 1997	20	May 16, 1997	Nov. 10, 1997*	Nov. 18, 1997	47	Nov. 21, 1997
May 13, 1997	May 20, 1997	21	May 23, 1997	Nov. 18, 1997	Nov. 25, 1997	48	Dec. 1, 1997*
May 20, 1997	May 27, 1997	22	May 30, 1997	Nov. 25, 1997	Dec. 2, 1997	49	Dec. 5, 1997
May 27, 1997	June 3, 1997	23	June 6, 1997	Dec. 2, 1997	Dec. 9, 1997	50	Dec. 12, 1997
June 3, 1997	June 10, 1997	24	June 13, 1997	Dec. 9, 1997	Dec. 16, 1997	51	Dec. 19, 1997
June 10, 1997	June 17, 1997	25	June 20, 1997	Dec. 16, 1997	Dec. 23, 1997	52	Dec. 26, 1997
June 17, 1997	June 24, 1997	26	June 27, 1997	Dec. 23, 1997	Dec. 30, 1997	1	Jan. 2, 1998
June 24, 1997	July 1, 1997	27	July 7, 1997*	Dec. 30, 1997	Jan. 6, 1998	2	Jan. 9, 1998

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

* Monday

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED RULES

1) Heading of the Part: Closed Maximum Security Facility

2) Code Citation: 20 Ill. Adm. Code 505

3) Section Numbers: Proposed Action:

505-10 New Section
505-15 New Section
505-20 New Section
505-30 New Section
505-40 New Section
505-50 New Section
505-60 New Section
505-70 New Section
505-80 New Section
505-90 New Section
505-100 New Section
505-110 New Section

4) Statutory Authority: Implementing and authorized by Section 3-2-2 of the Unified Code of Corrections [730 ILCS 5/3-2-2].

5) A Complete Description of the Subjects and Issues Involved: The Department is establishing rules for the new type of correctional facility, commonly referred to in the media as the Super Max prison, including facility designation, placement procedures, hearing and review procedures. It includes, but is not limited to, constraints on such things as rights and privileges and personal property of committed persons.

6) Will this rulemaking replace any emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand any State Mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments during the 30-day first notice period which commences on the issue date of this publication of the Illinois Register to:

Donald N. Snyder, Jr., Deputy Director
Illinois Department of Corrections
1301 Concordia Court

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED RULES

P. O. Box 19277

Springfield, IL 62794-9277

217/522-2666, extension 2082

All written comments received after 45 days from the date of this publication will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Times of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the two most recent agendas because: It was not intended to be a separate rule. The Department had originally planned to include these provisions in rulemakings for Parts 503 and 504 as reported on the July 1, 1997 Regulatory Agenda.

The full text of the Proposed Rule begins on the next page:

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED RULES

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
 CHAPTER 11: DEPARTMENT OF CORRECTIONS
 SUBCHAPTER e: OPERATIONS

PART 505
 CLOSED MAXIMUM SECURITY FACILITY

Section

- 505.10 Applicability
- 505.15 Responsibilities
- 505.20 Definitions
- 505.30 Facility Designation
- 505.35 Placement at the Tams Correctional Center
- 505.40 Transfer Review Hearing
- 505.60 Review of Administrative Detention Status
- 505.80 Rights and Privileges
- 505.90 Personal Property
- 505.100 Commissary
- 505.110 Smoking and Tobacco Products

AUTHORITY: Implementing and authorized by Section 3-2-2 of the Unified Code of Corrections [730 ILCS 5/3-2-2].

SOURCE: Adopted at 21 Ill. Reg. _____, effective _____.

Section 505.10 Applicability

This Part applies to the Adult Division of the Department of Corrections.

Section 505.15 Responsibilities

- a) Unless otherwise specified, the Director, Deputy Director, Assistant Deputy Director, or Chief Administrative Officer may delegate responsibilities stated in this Part to another person or persons or designate another person or persons to perform the duties specified.
- b) No other individual may routinely perform duties whenever a Section in this Part specifically states the Director, Deputy Director, Assistant Deputy Director, or Chief Administrative Officer shall personally perform the duties. However, the Director, Deputy Director, Assistant Deputy Director, or Chief Administrative Officer may designate another person or persons to perform the duties during periods of his or her temporary absence or in an emergency.

Section 505.20 Definitions

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED RULES

"Chief Administrative Officer" means the highest ranking official of a correctional facility.

"Closed maximum security facility" means a facility which houses only those committed persons who are classified as maximum security and who present a threat to the safety or security of a correctional facility, the public, or any person and in which movement and privileges are limited.

"Department" means the Department of Corrections.

"Director" means the Director of the Department of Corrections.

"Working days" means Monday through Friday, excluding State holidays.

Section 505.30 Facility Designation

The Tams Correctional Center is designated a closed maximum security facility. The Tams Correctional Center shall house only those committed persons who are classified as maximum security and who are in disciplinary segregation or administrative detention.

Section 505.40 Placement at the Tams Correctional Center

- a) A committed person may be assigned to the Tams Correctional Center if the committed person is in disciplinary segregation or is in or is being recommended for placement in administrative detention and the transfer is approved by the Deputy Director or the appropriate Assistant Deputy Director of the Adult Division.
- b) Among other matters, a committed person who the Department has determined is engaged in the following activities or who may be planning or engaging in these activities may be referred for placement in the Tams Correctional Center:
 - 1) Escaping or attempting to escape;
 - 2) Assaulting staff, inmates or other persons which caused death or serious bodily injury;
 - 3) Engaging in dangerous disturbances;
 - 4) Having influence in activities of a gang or other unauthorized organization;
 - 5) Engaging in non-consensual sexual conduct; or
 - 6) Possessing weapons.
- c) The transfer request may be either written or verbal with confirmation in writing. The written request, signed by the Chief Administrative Officer, shall include the recommendation and reasons for the request and shall be submitted to the appropriate Assistant Deputy Director for approval. Approval by the Assistant Deputy Director shall result in the committed person being classified as maximum security and those committed persons who are in general population shall be placed in

DEPARTMENT OF CORRECTIONS
NOTICE OF PROPOSED RULES

administrative detention.

d) Placement in the Tamm Correctional Center shall be based upon the following considerations, including but not limited to:

- 1) The safety and security of the facility, the public, or any person;
- 2) The committed person's disciplinary and behavioral history;
- 3) Reports and recommendations concerning the committed person;
- 4) The feasibility of a transfer to another facility; and
- 5) Mental health concerns.

e) Committed persons who are transferred to the Tamm Correctional Center within 30 days of being sentenced to the State of Illinois shall be segregated while at the Tamm Correctional Center. The Tamm Correctional Center shall complete their term of disciplinary segregation before the Transfer Review Committee in accordance with Section 505.60 to determine whether they should remain in administrative detention at the Tamm Correctional Center.

Section 505.50 Transfer Review Committee

a) The Transfer Review Committee shall be composed of two persons selected by the Chief Administrative Officer of the Tamm Correctional Center.

b) The Committee shall:

- 1) Conduct transfer review hearings in accordance with Section 505.60; and
- 2) Conducting reviews of persons in administrative detention at the Tamm Correctional Center in accordance with Section 505.70.

Section 505.60 Transfer Review Hearing

a) Whenever possible, a transfer review hearing shall be conducted within ten working days of a committed person's placement in the Tamm Correctional Center or expiration of the committed person's term of disciplinary segregation.

b) The committed person shall be afforded the opportunity to appear at the hearing, to make statements relevant to his placement in the Tamm Correctional Center, and to present relevant documents. The committed person may also request that the Committee interview persons with relevant information.

c) In determining whether to continue placement in administrative detention in the Tamm Correctional Center, the Committee may consider, among other matters, the factors set forth in Section 505.40(d).

d) The Committee shall make recommendations to the Chief Administrative Officer of the Tamm Correctional Center. The Chief Administrative Officer shall approve or disapprove the Committee's recommendations and shall submit his or her recommendation to the appropriate Assistant Deputy Director for a final decision. The committed person

DEPARTMENT OF CORRECTIONS
NOTICE OF PROPOSED RULES

shall be informed in writing of the final decision.

Section 505.70 Review of Administrative Detention Status

a) The Transfer Review Committee shall review the record of each committed person in administrative detention at the Tamm Correctional Center every 90 days to determine whether continued placement is appropriate.

- 1) The committed person need not be interviewed during these reviews.
- 2) The Committee shall make written recommendations to the Chief Administrative Officer.
- 3) If the Chief Administrative Officer recommends the committed person be transferred, the recommendation shall be forwarded to the appropriate Assistant Deputy Director for final approval.
- b) A hearing shall be held every year in accordance with Section 505.60 to determine whether continued placement in administrative detention in the Tamm Correctional Center is appropriate.
- c) Other reviews set forth under 20 Ill. Adm. Code 504.660 shall not apply to persons in administrative detention at the Tamm Correctional Center.

Section 505.80 Rights and Privileges

Persons assigned to the Tamm Correctional Center shall have the rights and privileges outlined in 20 Ill. Adm. Code 525 except as provided herein.

- a) Telephone
Use of the telephone shall be prohibited except as required by law or as approved by the Chief Administrative Officer in an emergency.
- b) Visits
1) Except for legal visits, persons wishing to visit a committed person should submit a request sufficiently in advance to the Chief Administrative Officer of the Tamm Correctional Center. Visits must be approved in advance by the Chief Administrative Officer.
2) All visits shall be non-contact.

Section 505.90 Personal Property

Persons assigned to the Tamm Correctional Center shall have the same rights and privileges outlined in 20 Ill. Adm. Code 525 except as provided herein.

- a) Persons in administrative detention shall possess audio visual property in accordance with institutional status as approved by the Chief Administrative Officer. Persons confined in disciplinary segregation shall have no audio visual property for recreational purposes.
- b) The committed person's property, excluding legal materials and a television, shall be limited to items which may be properly stored in a Department issued personal property storage box.

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED RULES

- c) Legal materials must be properly stored in the Department issued personal property box or in an additional storage box provided for legal materials.

Section 505.100 Commissary

Commissary shall be provided according to institutional status.

Section 505.110 Smoking and Tobacco Products

The Tamm Correctional Center shall be a smoke-free and tobacco-free prison. No cigarettes, smoking or smokeless tobacco, matches, lighters, or any other smoking materials shall be permitted into the facility.

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Discipline and Grievances

- 2) Code Citation: 20 Ill. Adm. Code 504

- 3) Section Numbers:

504.15 Proposed Action:

Amend

504.20 Amend

Amend

504.30 Amend

Amend

504.40 Amend

Amend

504.60 Amend

Amend

504.70 Amend

Amend

504.80 Amend

Amend

504.90 Amend

Amend

504.100 Amend

Amend

504.110 Amend

New

504.115 Amend

Amend

504.120 Amend

Amend

504.130 Amend

Amend

504.140 Amend

Amend

504.150 Amend

Amend

504.205 Amend

Amend

504.210 Amend

Amend

504.220 Amend

Amend

504.230 Amend

Amend

504.240 Amend

Amend

504.250 Amend

Amend

504.260 Amend

Amend

504.270 Amend

Amend

504.275 Amend

Amend

504.280 Amend

Amend

504.290 Amend

Amend

504.300 Amend

Amend

504.405 Amend

Amend

504.410 Amend

Amend

504.420 Amend

Amend

504.430 Amend

Amend

504.440 Amend

Amend

504.450 Amend

Amend

504.460 Amend

Amend

504.470 Amend

Amend

504.480 Amend

Amend

504.490 Amend

Amend

504.500 Amend

Amend

504.510 Amend

Amend

504.605 Amend

Amend

504.610 Amend

Amend

504.620 Amend

DEPARTMENT OF CORRECTIONS
NOTICE OF PROPOSED AMENDMENTS

Amend 504.630
Repeal 504.650
Amend 504.660
New 504.670
Amend 504.715
Amend 504.720
Amend 504.730
Amend 504.800
Amend 504.805
Amend 504.810
Amend 504.820
Amend 504.830
Amend 504.840
Amend 504.850
Amend 504.860
Amend 504.870
Amend 504.910
Amend 504.920
Amend 504.930
Amend 504. Table A
Amend 504. Table B
Amend 504. Table C

- 4) **Statutory Authority:** Implementing Sections 3-2-2, 3-8-7, 3-8-8, 3-10-8, and 3-10-9 and authorized by Sections 3-2-2 and 3-7-1 of the Unified Code of Corrections [730 ILCS 5/3-2-2, 3-7-1, 3-8-7, 3-8-8, 3-10-8, and 3-10-9].

- 5) **A. Complete Description of the Subjects and Issues Involved:** This rule is being amended to incorporate needed changes and to make organizational changes to the Illinois Department of Corrections regarding current and future time frames in a consistent manner and to implement recent legislative changes (Public Act 89-0688) which were effective June 1, 1997. The Department is no longer required to inform committed persons of disciplinary rule changes by posting and issuing a copy of the rules, but the rules are to be available to committed persons. Since these changes affect the adult, juvenile, and community services divisions, except where otherwise stated, the following changes are summarized by Subpart rather than Sections.

Subparts A, B, and C - Clarify that if a committed person is transferred for any reason prior to a hearing, a hearing must be provided at the receiving facility. In addition, due to the statutory changes, restrictions in clothing, bedding, and use of toilets, wash bowls, and showers are now permitted and restrictions of visiting privileges or changes in work, educational, or program assignments are no longer required to be related to the disciplinary infraction.

DEPARTMENT OF CORRECTIONS
NOTICE OF PROPOSED AMENDMENTS

Require confidential witness information to be included on the disciplinary report and adjustment committee summary to the extent it does not jeopardize security. The adjustment committee hearing is to be convened but not concluded within 14 days after the offense due to the inmate's unavailability for any reason. The "date of discovery" has been defined.

Require objections based on impartiality of the Adjustment Committee to be raised by committed persons at the beginning of the hearing and for the objection and the Committee's decision to be noted in the Adjustment Committee summary. Require documentation to be provided to the Committee if a committed person refuses to appear before the Committee.

Require the Adjustment Committee to consider relevant witness statements when witnesses are reasonably available. Witnesses may be interviewed prior to, at, or subsequent to the hearing. Require some evidence for a committed person to be found guilty and to state that a polygraph cannot be the sole basis for a finding of guilt.

Require forfeiture of any items of contraband used or possessed during the offense; clarify that the Department may administratively restrict privileges; clarify the Adjustment Committee Summary is to contain the disciplinary action recommended, not taken by the Committee; and clarify procedures regarding confidential witnesses.

Require rather than permit new or additional proceedings in certain circumstances and expand corrections that may be made in the Adjustment Committee summary.

Allow the Program Unit to place committed persons in "C" grade.

Add a Section on reviews of indeterminate segregation placements for the adult division. Proposed revisions to Tables A and C provide for indeterminate segregation placement for more serious offenses. Any indeterminate segregation placement would be served in the adult division. Make committed persons in different grades eligible to receive privileges except for those specifically prohibited by rule. Also clarifies that persons in C grade may get visits. A new column for loss of privileges has been established in Table A--the maximum times are the same as for reductions in grade.

Eliminate the automatic review of revocations of good time where the committed person has not been involved in major discipline in the last 4 months. Instead, a reference to DR 107.10 has been included. DR 107.10 provides that the Chief Administrative Officer, and not good time, may suspend good time at any time deemed warranted and it provides for petitions by committed persons for restoration.

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

Tables A, B & C - Offenses and Penalties - Changes offense numbers where appropriate in Tables B and C to agree with the numbering in Table A to allow for automation of disciplinary report tracking and statistical information. A new column has been added in Table A for loss of privileges to allow greater flexibility in restricting one or more privileges, with or without affecting grade/status. Maximum penalties have been added to the list of offenses. The list of offenses has been revised to include repeat offenders; indeterminate segregation placement has been added for the most serious offenses in the adult and community services divisions; and new offenses have been added.

Subpart D - Clarifies confinement terms; permits double ceiling in segregation; requires any solid door to have a vision panel; provides for use of restraints in the cell with the approval of the Chief Administrative Officer and the Assistant Deputy Director; provides for "nutritionally adequate" food to be provided; provides for removal or restriction of equipment or property if abused or if it is a threat to safety and security; repeals the Section on control segregation since it is no longer used; adds current requirements for recreation of committed persons in segregation status; distinguishes between segregation areas and segregation status. A segregation area is a unit or area set aside by the facility for inmates who are housed in the area and who are not also housed in temporary confinement pending a hearing or investigation or inmates placed on administrative detention. Segregation status is confinement as a result of a disciplinary hearing.

Subpart E - Specifies where juveniles may be confined and requires juveniles who have been in confinement status for more than 24 hours to be provided at least 2 hours outside the confinement room, where possible, rather than 4 hours outside the room.

Subpart F - reworded for clarity and consistency and provides for more flexibility in time frames.

Subpart G - deletes reference to the Office of Advocacy Services as this office is no longer in existence; clarifies that length of sentences and clemency issues are not reviewable under this procedure.

6) ~~Will this rulemaking replace any emergency rule currently in effect?~~ No

7) ~~Does this rulemaking contain an automatic repeal date?~~ No

8) ~~Does this proposed rulemaking contain incorporations by reference?~~ No

9) ~~Are there any other proposed rulemakings pending on this Part?~~ No

10) ~~Statement of Statewide Policy Objectives: This rulemaking does not create or expand any State Mandate.~~

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

11) **Time, Place, and Manner** in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments during the 45-day First Notice Period which commences on the issue date of this publication of the Illinois Register to:

Donald N. Snyder, Jr., Deputy Director
Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield, IL 62794-9277
(217) 522-2666, extension 2082

All written comments received after 45 days from the date of this publication will be considered, time permitting.

12) **Initial Regulatory Flexibility Analysis:**

A) **Types of small businesses, small municipalities and not-for-profit corporations affected:** None

B) **Reporting, bookkeeping or other procedures required for compliance:** None

C) **Types of professional skills necessary for compliance:** None

13) **Regulatory Agenda** on which this rulemaking was summarized: July 1997

The full text of the Proposed Amendments begins on the next page:

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TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT

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PART 504

DISCIPLINE AND GRIEVANCES

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(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 504.30 Preparation of Disciplinary Reports

- a) Every employee has the duty to observe the conduct of committed persons.
- b) If an employee observes a committed person committing an offense, he shall immediately report the offense to the supervisor or the employee shall be a reliable witness of such conduct. The employee shall be required to prepare a disciplinary report. However, if the infraction is one of those listed in the 400 series in Table A and the employee determines that a disciplinary report is not necessary, the employee may orally reprimand the committed person.
- c) The disciplinary report must be fully completed. The reporting employee shall provide the following information to the extent known or available.

- 1) The name and register number of the committed person.
 - 2) The place, time, and date of the offense.
 - 3) The offense which the committed person is alleged to have committed.
 - 4) A written statement of the conduct observed.
 - 5) The names of committed persons, employees, and visitors who were witnesses of the offense, and their names and addresses for reasons of security, provided a statement to that effect is included in the information, the confidential source provided are included on the disciplinary report to the extent the information can be included without jeopardizing security.
 - 6) The signature of the reporting employee and the date and time the report is completed.
- d) If a committed person is suspected of committing a disciplinary offense, an investigative disciplinary report, hereinafter referred to as an investigative report, may be issued which reasonably informs the committed person of the subject of the investigation to the extent that safety and security allow.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 504.40 Temporary Confinement

a) The shift supervisor shall determine whether or not it is necessary to place the committed person in investigative status or in temporary confinement status pending a disciplinary hearing or a determination whether or not to issue a disciplinary or investigative report in accordance with Section 504.30. The decision to place a committed person in temporary confinement may be based, among other matters, on:

- a) The aggressiveness of the committed person;

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- b) The threat posed to the safety and security of the facility or any person.
- c) The need to restrict the committed person's access to general population to protect the individual from injury or to conduct the investigation of an offense.
- d) The seriousness of the offense.
- e) Committed persons may be confined in their cells or living areas in the segregation area or in any other area designated by the Chief Administrative Officer.
- (Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 504.50 Review of Disciplinary Reports

- a) The Chief Administrative Officer of each facility shall designate one or more Reviewing Officers.
- b) The Reviewing Officer shall review the decision to place a committed person in temporary confinement, placement in segregation, placement in placement of security control, or any other placement, whenever possible, and may order release from or placement in temporary confinement. Among other matters, the factors listed in Section 504.40(a) may be considered. If a disciplinary or investigative report has not been written within three days of placement in temporary confinement, the Reviewing Officer shall inform the Chief Administrative Officer.
- c) A committed person who receives an investigative report shall be interviewed by the Reviewing Officer in order to permit the committed person an opportunity to present his or her views regarding placement in investigative status. The interview shall be conducted within 14 days after of initial placement in investigative status, whenever possible.
- 1) The Reviewing Officer shall recommend whether to continue placement of the committed person in investigative status. Among other matters, the factors listed in Section 504.40(a) may be considered. The Chief Administrative Officer shall make the final determination.
- 2) The committed person shall be informed of the decision and the decision shall be documented in writing.
- 3) The committed person may be detained in investigative status for up to 30 days.
- 4) If the investigation does not indicate that the committed person may be guilty of any disciplinary offense, placement in investigative status shall be terminated and the report shall be expunged from the committed person's master record file. A copy shall be maintained in an expungement file. This decision shall be made by the Chief Administrative Officer and shall be documented in writing.
- 5) If, as a result of the investigation, it is necessary to amend or

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modify the original charges, the committed person shall be issued a revised disciplinary report.

- 6) Upon completion of the investigation, the committed person shall appear before the Adjustment Committee for a hearing on the disciplinary report unless the report has been expunged.

7) If a committed person is transferred from one facility to another while in confinement pending investigation, he shall be provided with an opportunity to present a defense at any subsequent disciplinary hearing held at the receiving facility which is comparable to that which would have been afforded in accordance with this Subpart at the sending facility.

7) If a committed person is transferred from one facility to another while in confinement pending investigation, he shall be provided with an opportunity to present a defense at any subsequent disciplinary hearing held at the receiving facility which is comparable to that which would have been afforded in accordance with this Subpart at the sending facility.

8) The Director may personally authorize, in writing, additional extensions of up to 30 days each if an institutional emergency prevents completion of the investigation within 60 days. The committed person shall be informed of the decision in writing.

- d) The Reviewing Officer shall review each disciplinary report and determine whether:

1) The reported facts justify a disciplinary hearing. If not, the report shall be expunged from the committed person's master file and a copy shall be furnished to the expungement file.

2) The disciplinary report has been properly prepared. If not, the Reviewing Officer shall make the necessary corrections or direct the reporting employee to make the corrections. The committed person shall be provided with a copy of the corrected report.

3) The event the corrected report contains new charges, the committed person shall be provided a copy of the corrected report at least 24 hours prior to the hearing, unless the committed person waives this notice in writing.

4) The offense is major or minor in nature. Major offenses shall be assigned to the Adjustment Committee for a hearing and minor offenses shall be assigned to the Program Unit for a hearing.

A) Aiding and abetting, soliciting, attempting to commit, conspiring to commit, or committing any offense listed in the 100, 200, or 500 series of Table A shall be considered a major offense.

B) The offenses listed in the 300 or 400 series or the aiding and abetting, soliciting, attempting to commit, or conspiring to commit any of these offenses shall be designated as major or minor based on the seriousness of the offense.

- e) The Reviewing Officer shall forward copies of all major disciplinary reports to the Hearing Investigator.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 504.60 Investigation of Major Disciplinary Reports

- a) The Chief Administrative Officer shall appoint one or more Hearing Investigators who shall review all major disciplinary reports.
- b) The Hearing Investigator may conduct an investigation into the charges as determined to be appropriate. This determination may be based, among other matters, upon the severity of the offense, the complexity of the charges, or the committed person's history of offenses. The Hearing Investigator may correct or direct the reporting employee to correct any errors in the disciplinary report. The committed person shall be provided with a copy of the corrected report. In the event the corrected report contains new charges, the committed person shall be provided a copy of the corrected report at least 24 hours prior to the hearing, unless the committed person waives this notice.
- d) The Hearing Investigator may interview any person who may have information which relates to the alleged violation and may inspect any physical evidence.

e) The Hearing Investigator shall determine whether or not to submit a report to the Adjustment Committee, based upon the results of the investigation. However, if the investigation reveals evidence of a convincing nature that the committed person did not commit the offense, he must report that evidence must be reported to the Adjustment Committee.

f) A report may be submitted in writing or presented orally, as determined by the Hearing Investigator.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 504.70 Adjustment Committee and Program Unit Composition

- a) The Chief Administrative Officer shall appoint the Adjustment Committee, which shall be composed of at least two members.

1) The Adjustment Committee shall include a member of the Program Unit staff and a member of the security staff.

2) At least one member of the Committee shall be a minority staff member.

3) The Chief Administrative Officer shall designate a chairperson of the Committee.

- b) The Program Unit shall be composed of a group of employees appointed by the Chief Administrative Officer, who shall serve as Hearing Investigators. At least one member of the Unit shall be a minority staff member.

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(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 504.80 Adjustment Committee Hearing Procedures

- a) The Adjustment Committee hearing shall be convened but need not be concluded within 15 eight-calendar days after the commission of the offense or its discovery, whenever possible, unless the committed person has received a continuance or is unable or unavailable for any reason to participate in the hearing. For purposes of this Section, a continuance is a postponement of the hearing, which is not to be discovered upon the conclusion of the investigation. Inability to participate includes the absence of the committed person from the facility for any reason or certification by health care staff that the committed person is unable to appear.
- b) The committed person shall receive written notice of the facts and charges being presented against him or her no less than 24 hours prior to the Adjustment Committee hearing. The committed person may waive the 24-hour advance notice. The waiver shall be in writing.
- c) The committed person shall be informed before or at the hearing of the information which would tend to show that the committed person was not guilty. If information is provided to him or her at the hearing, the committed person shall, upon his request, be given a continuance.
- d) Any person who initiated the allegations which serve as the basis for the disciplinary report, or who conducted an internal investigation of the alleged offense, shall be invited to appear at the hearing. The committed person shall not serve on the Adjustment Committee hearing that disciplinary report. A committed person who objects to a member of the Committee based on immaturity must raise the matter at the beginning of the hearing. The Committee shall document the basis of the objection and the decision in the Adjustment Committee summary.
- e) A committed person may, upon written request and for good cause shown, be granted additional time to prepare his or her defense.
- f) Any committed person charged with a violation of any rules shall have the right to appear before and address the Committee. Any refusal to appear shall be documented and provided to the Committee. However, failure to appear before or address the Committee may be adversely construed against the individual him by the Adjustment Committee.
 - 1) The committed person may make any relevant statement or produce any relevant documents in his or her defense.
 - 2) Any relevant documents, which the committed person may request that witnesses be interviewed, shall be made available in writing in the space provided in the disciplinary report and shall include an explanation of what the witnesses would state. If the committed person fails to make the request in a timely manner before the hearing, the individual he may be granted a continuance for good cause shown.
- g) The Committee shall consider all material presented which is relevant

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- to the issue of whether or not the committed person committed the offense.
- h) The Adjustment Committee shall may consider any statements of witnesses with relevant knowledge of the incident and who are reasonably available.
 - 1) The Committee or its Hearing Investigator may interview witnesses or prepare or review summaries of their testimony prior to or at or subsequent to the hearing.
 - 2) The committed person does not have the right to confront or cross-examine any witnesses but may submit questions for witnesses to ask the Committee prior to the hearing. These questions shall be asked of the Committee or its Hearing Investigator unless found to be cumulative, irrelevant, or a threat to the safety of individuals or the security of the facility.
 - 3) A means shall be provided in each living unit for committed persons to submit witness request slips. The Committee may disapprove witness requests that are not received prior to the hearing.
 - 4) Requests witnesses-requested by committed persons for witnesses may be denied excluded if their testimony would be, among other matters, irrelevant or cumulative or would jeopardize the safety or disrupt the security of the facility. If any witness request is denied excluded, a written reason shall be provided.
- i) The committed person shall not have the right to either retained or appointed counsel. The committed person may request the assistance of a staff member in the preparation and presentation of his or her defense if he or she is ill, unable to speak English, or when other circumstances exist which would impede the individual him from adequately preparing his or her defense.
- j) The Adjustment Committee shall decide whether or not the committed person committed the offense based upon all relevant information and evidence.
 - 1) The Committee must be reasonably satisfied there is some evidence that the committed person committed the offense for the individual him to be found guilty.
 - 2) Polygraph results may be considered but may not be the sole basis for finding the committed person guilty of the offense.
- k) The Adjustment Committee shall take one of the following actions, based upon the evidence admitted:
 - 1) Find that the committed person did not commit the offense. In this case, the Committee shall order that the disciplinary report be discarded expunged from the committed person's master record file. A copy shall be retained in an expungement file.
 - 2) Find that further investigation is necessary to determine if the committed person did or did not commit the offense and place the committed person in investigative status.
 - 3) Find that additional time is needed to obtain information relative to the charge. The hearing may be continued for a

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reasonable time. However, unless the committed person is placed in investigative status, the individual he may not be confined for more than 10 eight days from the date of placement in temporary confinement.

- 4) Find that the committed person did commit the offense or a lesser offense for which the elements were included in the original charge. The Committee may recommend one or more of the following disciplinary actions:

- Reprimand the committed person.
- Suspend the privileges of the committed person for a specific period of time not to exceed 90 days.
- Reduce the committed person's grade.
- Change the committed person's program.
- Change the committed person's housing assignment or transfer the individual him to another correctional facility.
- Revoke the committed person's statutory good time or good conduct credits.
- Increase the committed person's security classification.

- Place the committed person in segregation.

- Require the committed person to make restitution.
- Require forfeiture of items of contraband used in the offense or possessed in violation of these rules.

- Restrict access to clothing, bedding, toilets, washbowls, showers, recreation, commissary, and other privileges. Restrictions must be reasonably necessary and may not exceed three days by the Chief Administrative Officer or above.

- 5) This part shall in no way be construed to restrict or limit the Department's ability to administratively change a committed person's job, educational, program, or housing assignment, to restrict privileges, or to transfer the committed person to another facility.

- 1) A written record shall be prepared and signed by all members of the Committee which contains:

- A summary of oral and written statements and other evidence presented. If the Committee members find that the committed person committed the offense, they shall provide a statement as to their reasons for the finding.

- The Committee may consider information from confidential sources.

- If it finds that his or her identity must be withheld for reasons of security and reliability.

- The information is reliable.

- The investigational officer has indicated, in writing and by his or her appearance before the Adjustment Committee, the truth of his or her report containing confidential information.

- Corroborating testimony such as statements from other

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SOURCES OF POLYGRAPH RESULTS: OF

- A statement by a member of the Adjustment Committee or an oral or written statement to the Adjustment Committee by supervisory or administrative staff that the individual has firsthand knowledge of the sources of information and considers them reliable on the basis of their past record.

- If the identity statement is being withheld for reasons of security and reliability, the Committee shall find that the Committee finds the information reliable must be included. A summary of the information provided and the basis for the finding of reliability shall be documented, but need not be included in the summary based on safety and security concerns.

- If the Committee members find that the committed person committed the offense, they shall provide a statement as to their reasons for the finding. If exonerating evidence is presented and disregarded, the Committee must state the basis for disregarding the evidence.

- 3) The disposition of the charges, and the disciplinary action recommended, and the reasons for recommending the disciplinary action taken.

- If the safety or security of the facility or any person is jeopardized by the presence of the individual in the written record, they may be deleted but the fact that omissions have been made shall be noted on the summary, along with a finding that material is being deleted based on safety or security concerns.

- If committed person is found guilty, the individual he shall be informed of the opportunity to appeal through the grievance procedures in 20 Ill. Adm. Code 504 Subpart F (Subpart 27).

- A copy of the disciplinary report and Adjustment Committee summary shall be forwarded to the Chief Administrative Officer for review and approval and a copy shall be filed in the committed person's master record file. The committed person shall be given a copy of the Adjustment Committee summary.

- The Chief Administrative Officer shall review all Adjustment Committee dispositions. The Director shall review all Adjustment Committee dispositions which recommended that the committed person lose statutory good time or that the Director or the Chief Administrative Officer may take the following actions:

- Confirm the recommendation disposition in whole or in part.
- Order additional or new proceedings.
- Suspend or overturn the recommendation disposition.
- Offer the committed person a work assignment, which, if accepted and satisfactorily completed, will result in reduction of original disciplinary sanctions.

- The Director or the Chief Administrative Officer shall not

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increase, but may reduce, the sanctions recommended by the Adjustment Committee imposed. The committed person shall be sent a copy of any modification to the Adjustment Committee recommendations receive a copy of this review.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 504.90 New or Additional Proceedings

- a) The Director or the Chief Administrative Officer shall may remand the decision to the Adjustment Committee for new proceedings if the proceedings are found to be defective due to:
- 1) Inadequate notice, including failure to state the correct date of the offense on the disciplinary report or failure to provide the committed person with 24-hour notice of the hearing and notice was not waived.
 - 2) Lack of impartiality of the Adjustment Committee.
 - 3) Improper exclusion of witnesses.
 - 4) Failure to provide exonerating information to the committed person prior to the hearing.

- b) New or additional proceedings may be ordered in other circumstances, as determined by the Director or Chief Administrative Officer.
- 1) The committed person shall be provided with notice of the hearing within a reasonable time after the Chief Administrative Officer has received the facility's report on the hearing.
 - 2) The hearing shall commence within 14 eight-calendar days after receipt of the Chief Administrative Officer's decision or the facility's receipt of the decision, whenever possible.
 - 3) The procedures on remand shall be conducted in accordance with the procedures governing the hearing on the original charge.

- c) The Director or the Chief Administrative Officer may remand the decision to the Adjustment Committee for additional documentation, correction, or clarification of the Adjustment Committee summary, including the statement of reasons for excluding witnesses, or the basis for the finding of guilt and imposition of sanctions, statement of reasons for deeming sources to be confidential, or the failure to specify reasons for finding a confidential source to be reliable.
- 1) The committed person shall not have the right to a new hearing, but shall be notified of the decision.
 - 2) The Adjustment Committee has amended its summary. It shall be for the Director or the Chief Administrative Officer to then to the Director in accordance with the procedures applicable to review of the original disposition.

- d) Upon remand, sanctions greater than those imposed at the original hearing shall not be permitted unless the committed person is charged with a different offense which provides for a greater penalty than provided for under the original charge or new evidence is produced

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which was not available at the original hearing which justifies the imposition of greater punishment. However, this does not prohibit the committed person from being found guilty and disciplined on remand when the Adjustment Committee had erroneously dismissed the disciplinary report on procedural grounds.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 504.100 Program Unit Hearing Procedures

- a) The Program Unit Hearing shall be convened, but need not be concluded, within 14 eight-calendar days after the commission of the offense or its discovery, whenever possible, unless the committed person is unable to participate in the hearing.
- b) The committed person shall receive written notice of the facts and charges being presented against him or her prior to the hearing.
- c) Any person who initiated the allegations which serve as the basis for the disciplinary report, or who conducted a formal investigation into those allegations, or who witnessed the incident, or who is otherwise not impartial shall not conduct a hearing on that report.
- d) The hearing may be continued to obtain additional information or upon request of the committed person for good cause shown.
- e) The committed person shall have the right to appear before and address the Program Unit Hearing Officer.
- f) The Program Unit Hearing Officer may call witnesses and review any information relevant to the charge.
- g) The committed person shall not have the right to retained or appointed counsel. The committed person may request the assistance of a staff member in the preparation of his or her defense if the individual he is illiterate or does not speak English or when other circumstances exist which preclude the individual from adequately preparing his or her defense.

- h) The Program Unit Hearing Officer may return a disciplinary report to the Chief Administrative Officer with a recommendation for a hearing before the Adjustment Committee. The factors listed in Section 504.2(b) shall be considered when making this determination.
- i) The approved by the Chief Administrative Officer, hearing before the Adjustment Committee shall commence within 14 eight-calendar days after the approval, whenever possible.

- 2) If not approved, the disciplinary report shall be reported back for a hearing before the Program Unit which shall commence within 14 eight-calendar days after the decision not to approve the recommendation, whenever possible of the approval.

- i) The Program Unit Hearing Officer may recommend any of the actions authorized in Section 504.80(k) of this Party except that the Officer he may not recommend placement in segregation, revocation of good time, demotion--to--new--grade--an increase in the committed person's

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- security classification, or transfer to another correctional facility.
 1) A record shall be signed by the Hearing Officer which contains a summary of oral and written statements and other evidence presented, the decision, and the disciplinary action recommended.
 k) The summary shall be processed in accordance with Sections 504.80(c) and (p) and 504.90 of this Part.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 504.110 Computation of Discipline for Multiple Offenses

- a) When a committed person has been found in violation of more than one offense arising from the same act, the maximum penalty shall not exceed the maximum penalty for the most serious offense the individual is found to have committed.
 b) When a committed person has been found in violation of more than one offense arising from separate incidents, the maximum penalty for each offense may be imposed, and such penalties shall run consecutively. For example, a committed person who is found guilty of assaulting several persons within a short period of time has committed multiple offenses which would be punishable consecutively.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 504.115 Indeterminate Segregation Placement

- a) Within the first year of placement in indeterminate segregation and no less frequently than once every 180 days thereafter, the Director, Deputy Director, or Assistant Deputy Director shall personally review the indeterminate placement of committed persons in segregation status. This review shall include a face-to-face interview with the committed person by staff. The Director, Deputy Director, or Assistant Deputy Director may continue the committed person on an indeterminate segregation term or establish a specific segregation release date.
 b) In determining whether to establish a specific segregation release date, the Director may consider, among other matters:
 1) The seriousness of the offense;
 2) The safety and security of the facility or any person;
 3) The committed person's behavioral and disciplinary history;
 4) Reports and recommendations concerning the committed person;
 5) Interviews and any submissions of relevant material and information received from the committed person;
 6) Institutional order; and
 7) Other legitimate penological interests.
 c) A copy of the decision shall be provided to the committed person and

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- the facility record office.
 d) A committed person in segregation status for an indeterminate term may seek a reduction in the segregation placement in accordance with Section 504.120.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 504.120 Reduction in Segregation Placement

- a) A committed person shall receive credit against the term of segregation placement for time spent in temporary confinement or in investigative status. Petition the Adjustment Committee no more often than once every 30 days to reduce the segregation term based on his or her conduct while in segregation.
 c) The Adjustment Committee may either recommend reduction of the original segregation term imposed or deny the petition.
 d) The Committee's recommendation shall be reviewed by the Chief Administrative Officer. A copy of the decision shall be provided to the committed person and the facility record office.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 504.130 Demotion and Restoration in Grade

- a) Privileges shall be afforded to committed persons based upon their current grade and the following matters:
 1) Committed persons in "A" grade shall be eligible to receive all institutional privileges. Newly admitted committed persons shall be placed in "A" grade.
 2) Committed persons in "B" grade shall be eligible to receive all institutional privileges except that they shall not be eligible for a day release program or a furlough other than a medical or funeral furlough.
 3) Committed persons in "C" grade shall be eligible to receive no privileges except yard, and commissary, and visits. A committed person may purchase personal hygiene items and other items approved by the Chief Administrative Officer based on the committed person's institutional status a maximum of 90 work off-days from the commissary once each 30 day period while in "C" grade. The 30 day period shall commence on the date of placement into "C" grade.
 b) A committed person who has been demoted to "B" or "C" grade as a result of disciplinary infraction shall be automatically promoted to the next highest grade at the expiration of the time period specified by the Adjustment Committee.

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- c) A committed person who has been demoted to "C" grade and automatically placed in "B" grade after expiration of the time period specified by the Adjustment Committee shall be required to spend the same time period in "B" grade as in "C" grade, upon expiration of this time period, the committed person shall be restored to "A" grade.
- d) A committed person shall be restored to "A" grade and the Adjustment Committee for restoration in grade based upon the individual's his good conduct and restoration record no more often than every 90 days. A copy of the Committee's decision shall be provided to the committed person.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 504.140 Restitution Procedures

- a) The Adjustment Committee of Program Unit may recommend that the committed person make restitution in any amount not to exceed actual out-of-pocket expenses or loss caused by the conduct of the committed person. The Adjustment Committee of Program Unit shall document the amount and the conditions of payment.
- b) If the Adjustment Committee of Program Unit determines that restitution for damage to property or person is appropriate, it shall ask the committed person to authorize disbursement from his or her trust fund or from any other account.

- 1) If the committed person agrees to make restitution the individual he shall sign an authorization for disbursement of funds either to the State or to the appropriate individual.
- 2) If the committed person refuses to authorize disbursement of his or her current funds or future earnings in accordance with the Adjustment Committee's of Program Unit's recommendation, the Adjustment Committee's of Program Unit may recommend that a hold be placed on the individual's his account for such amount, and may further recommend that the individual's his commissary privileges be suspended in whole or in part for a definite period of time. However, the committed person shall be allowed to retain a sufficient amount of funds to purchase basic personal hygiene items if such items are not provided by the facility.

- c) The Adjustment Committee of Program Unit may consider the committed person's willingness to make restitution in imposing any other disciplinary sanctions.
- d) A committed person shall not be subjected to greater punishment because he or she is without funds and therefore unable to make restitution.
- e) In the event a committed person is released prior to full payment of restitution, arrangements shall be made for payment of the balance of the authorized restitution. If the committed person did not authorize restitution, all or a portion of the grant money provided

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for in 20 Ill. Adm. Code 502.320 may be suspended.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 504.150 Restoration of Good Time

Good time which has been revoked may be restored in accordance with 20 Ill. Adm. Code 107.160. When a committed person has lost 30 days or less of good time and for 30 days following the revocation has not been found guilty of one major or three minor disciplinary reports, there shall be an automatic consideration for the restoration of that good time which was revoked.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART B: ADMINISTRATION OF DISCIPLINE -- JUVENILE

Section 504.205 Responsibilities

- a) Unless otherwise specified, the Director, Deputy Director or Chief Administrative Officer may delegate responsibilities stated in this Subpart to another person or persons or designate another person or persons to perform the duties specified.
- b) No other individual may routinely perform duties whenever a Section in this Subpart specifically states the Director, Deputy Director or Chief Administrative Officer shall personally perform the duties. However, the Director, Deputy Director or Chief Administrative Officer may designate another person or persons to perform the duties during periods of his or her temporary absence or in an emergency.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 504.210 Offenses and Maximum Penalties

Maximum penalties for conduct which constitutes a disciplinary infraction are set forth in Table B.

- a) No committed person shall be found guilty of any violation of these rules without a hearing before the Adjustment Committee or Program Unit. If a committed person is transferred from one facility to another pending a hearing, the individual shall be provided with an opportunity to present a defense at any subsequent disciplinary hearing held at the receiving facility that is commensurate to that which would have been afforded in accordance with this Subpart, at the sending facility.

b) In determining the appropriate sanctions, the Adjustment Committee or

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Program Unit, the Chief Administrative Officer, the Deputy Director, or the Director may consider, among other things, mitigating or aggravating factors such as:

- 1) The committed person's mental state at the time of committing the offense;
 - 2) The extent and degree of participation in the commission of the offense;
 - 3) The amount of and/or nature of stolen property, contraband, or injury; and
 - 4) The committed person's prior disciplinary record.
- c) Corporal punishment; and disciplinary restrictions on diet, medical or sanitary facilities, clothing, bedding, mail, or access to legal materials and reductions in the frequency of use of toilets, washrooms, and showers are prohibited.
- d) Disciplinary restrictions on visitation, work, education, or program assignments and the use of the library shall be related as closely as practicable to abuse of such privileges or facilities.
- e) Committed persons are every-committed-person--is presumed to be responsible for any contraband or other property prohibited by this part which is located on their person, within their cell, or within areas of their housing, work, educational, or vocational assignment. If a committed person has contraband or other prohibited property, the institution shall have the right to search the person's control, including, but not limited to, the locker, desk, window ledge, ventilation unit, plumbing, and the committed person's desk, cabinet, shelving, storage area, bed, and bedding materials in his or her housing assignment; and desk, cubicle, work station, locker in his or her work, educational, or vocational assignment. If the committed person produces evidence which convinces the Adjustment Committee that he or she did not commit the offense, the committed person he shall be found not guilty.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 504.220 Preparation of Disciplinary Reports

- a) Every employee has the duty to observe the conduct of committed persons.
- b) Any rule infraction which may result in disciplinary action which suspends privileges involves the imposition of disciplinary confinement, delays referral to the Prisoner Review Board, or causes a change in work, education, or other program assignment of more than seven days duration must be documented in the form of a disciplinary report by the employee who observes the committed person's behavior, discovers evidence of a rule infraction, or receives information of such behavior from a reliable witness.
- c) When the rule infraction is minor, every effort should be made to take corrective action which is adapted to individual circumstances,

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administered immediately and consistently, and is understood by the committed person through appropriate counseling efforts.

- d) The disciplinary report must be promptly and fully completed. The following information shall be provided, to the extent known or available:

- 1) The name and number of the committed person.
- 2) The place, time, and date of the offense.
- 3) The offense which the committed person is alleged to have committed.
- 4) A written statement of the conduct observed.
- 5) The names of any committed persons, employees, and visitors who were witnesses. The identity of witnesses may be withheld for reasons of security provided a statement to that effect and the information the confidential source provided are included on the disciplinary report to the extent the information can be included without jeopardizing security.
- 6) A statement describing any immediate action taken.
- 7) The signature of the reporting employee and the date and time the report is completed.
- e) The disciplinary report shall be prepared and forwarded to the shift Officer or other person designated by the Chief Administrative Officer.
- f) If a committed person is suspected of committing a disciplinary offense, an investigative disciplinary report, hereinafter referred to as an investigative report, may be issued which reasonably informs the committed person of the subject of the investigation to the extent that safety and security allow.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 504.230 Temporary Confinement

- a) The shift supervisor shall determine whether or not it is necessary to place the committed person in temporary confinement status or in temporary confinement status pending a disciplinary hearing or a determination whether or not to issue a disciplinary or an investigative report in accordance with Section 504.220. The decision may be based, among other matters, on:
 - 1) The aggressiveness of the committed person;
 - 2) The threat posed to the safety and security of the facility or any person;
 - 3) The need to restrict the committed person's access to general population to protect the individual from injury or to conduct the investigation; or
 - 4) The seriousness of the offense.
- b) A committed person shall not be placed in temporary confinement status pending a disciplinary hearing for more than four days unless the

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- individual he is in investigative status.
 c) Committed persons may be confined in their cells or living areas or in any other area designated by the Chief Administrative Officer.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 504.240 Review of Disciplinary Reports

- a) The Chief Administrative Officer of each facility shall designate one Review Officer.
 b) The Review Officer shall review each disciplinary report to determine whether:

- 1) The reported facts justify a disciplinary hearing. If not, the report shall be expunged from the committed person's master record file. A copy shall be maintained in an expungement file.
- 2) The disciplinary report has been completed properly. If not, the Review Officer shall make the necessary corrections or direct the reporting employee to make the corrections. The committed persons shall be provided with a copy of the corrected report. In the event the corrected report contains new charges, the committed person shall be provided a copy of the corrected report at least 24 hours prior to the hearing unless the committed persons waive this notice in writing.
- 3) It is necessary to place or continue placement of the committed person in temporary confinement pending a disciplinary hearing. According to the provisions of Section 504.230, any disciplinary action shall be considered a disciplinary report and shall not be considered. If a disciplinary or investigative report has not been written within three days of placement in temporary confinement, the Review Officer shall inform the Chief Administrative Officer.
- 4) The offense is major or minor in nature. Major offenses shall be assigned to the Adjustment Committee for a hearing and minor offenses shall be assigned to the Program Unit for a hearing.
- A) Aiding and abetting, soliciting, attempting to commit, conspiracy to commit, or committing any offense listed in the 100, 200 or 500 series of Table B shall be considered a major offense.
- B) Those offenses listed in the 300 or 400 series or the aiding and abetting, soliciting, attempting to commit, or conspiring to commit any of these offenses shall be considered as major or minor based on the seriousness of the offense.

- c) A committed person who receives an investigative report shall be interviewed by the Reviewing Officer in order to permit the committed person an opportunity to present his or her views regarding placement in investigative status. The interview shall be conducted within three days of initial placement in investigative status, whenever

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possible.

- 1) The Reviewing Officer shall recommend whether to continue placement of the committed person in investigative status. Among other matters, factors listed in Section 504.230(a) may be considered. The Chief Administrative Officer shall make the final determination.
- 2) The committed person shall be informed of the decision and the decision shall be documented in writing.
- 3) The committed person may be detained in investigative status for up to five days.
- 4) The investigation does not indicate that the committed person may be guilty of any disciplinary offense, placement in investigative status shall be terminated and the report shall be expunged from the committed person's master record file. A copy shall be maintained in an expungement file. This decision shall be made by the Chief Administrative Officer and shall be documented in writing.
- 5) If, as a result of the investigation, it is necessary to amend or modify the original charges, the committed person shall be issued a revised disciplinary report.
- 6) Upon completion of the investigation, the committed person shall appear before the Adjustment Committee for a hearing on the disciplinary report unless the report has been expunged.
- 7) In the event that an investigation cannot be completed within five days due to an institutional emergency, the Chief Administrative Officer shall, upon approval of the Adjustment Committee, extend the hearing. Extensions of up to five days each of placement in confinement pending an investigation, as used in this Section, an institutional emergency includes riots, strikes, lockdowns, and natural disasters.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 504.250 Adjustment Committee and Program Unit Composition

- a) The Adjustment Committee shall be composed of at least two members appointed by the Chief Administrative Officer, one of whom shall be designated as the chairperson.
- b) The Program Unit shall be composed of a group of employees appointed by the Chief Administrative Officer, who shall serve as hearing officers.
- c) Any person who initiated a disciplinary charge against a committed person, or who conducted an ~~in-formal~~ investigation into those allegations, or who witnessed the incident, or who is otherwise impartial, shall not serve on the Adjustment Committee or Program Unit hearing the report. A committed person who objects to a member of the Committee based on impartiality must raise the matter at the beginning

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of the hearings. The Committee shall document the basis of the objection and the decision in the Adjustment Committee summary.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 504.260 Adjustment Committee Hearing Procedures

- a) The Adjustment Committee hearing shall be convened but need not be concluded within seven calendar days after the commission of the alleged rule infraction or its discovery unless the committed person has read a continuance or is unable to appear for any reason to participate in the hearing. If the person is unable to appear, the investigation has taken place, and no offense is considered to be discovered upon the conclusion of the investigation, inability to participate includes the absence of the committed person from the facility for any reason or certification by health care staff that the committed person is unable to appear.
- b) The committed person shall receive written notice of the facts and charges being presented against him or her no less than 24 hours prior to the Adjustment Committee hearing. The committed person may waive the 24-hour advance notice. The waiver shall be in writing.
- c) The committed person shall be informed before or at the hearing of information which would tend to show that the committed person was not guilty. If information is provided to him or her at the hearing, the committed person shall, upon request, be given a continuance.
- d) Committed person may, upon written request and for good cause shown, be granted additional time to prepare his or her defense.
- e) Committed persons shall not have a right to either retained or appointed counsel to prepare their defense or appear on their behalf before the Adjustment Committee. A committed person shall, upon request, have the assistance of a staff member in the preparation and presentation of his or her defense.
- f) Any committed person charged with a violation of any rule shall have the right to appear before and address the Committee. Any refusal to appear shall be documented and provided to the Committee. However, failure to appear before or address the Committee may be construed against the individual him by the Adjustment Committee.
 - 1) The committed person may make any relevant statement or produce any relevant documents in his or her defense.
 - 2) Prior to the hearing, the committed person may request that witnesses be interviewed by the Committee. The witnesses shall be submitted in writing on the day of the hearing. The witnesses shall be interviewed within an explanation of what the witnesses would state. If the committed person fails to make the request in a timely manner before the hearing, the individual he may be granted a continuance for good cause shown.
- g) The Committee shall consider all material presented which is relevant

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to the issue of whether or not the committed person committed the offense.

h) The Adjustment Committee shall may consider any statements of witnesses with relevant knowledge of the incident and who are reasonably available.

- 1) The Committee may interview witnesses and prepare or review summaries of their testimony prior to or at or subsequent to the hearing.
- 2) The committed person does not have the right to confront or cross-examine any witnesses, but may submit questions for witnesses to the Committee prior to the hearing. These questions shall be asked by the Committee unless found to be cumulative, irrelevant, or to the safety of individuals or the security of the facility.
- 3) A means shall be provided in each living unit for committed persons to submit witness request slips. The Committee may disapprove witness requests that are not received prior to the hearing.
- 4) Requests Witnesses-requested by committed persons for witnesses may be denied excluded if their testimony would be, among other matters, irrelevant or cumulative or would jeopardize the safety or disrupt the security of the facility. If any witness request is denied excluded, a written reason shall be provided.
- i) The Adjustment Committee shall decide whether or not the committed person committed the offense based upon all relevant information and evidence.
 - 1) The Committee must be reasonably satisfied there is some evidence that the committed person committed the offense for the individual him to be found guilty.
 - 2) Polyzach results may be considered but may not be the sole basis for finding the committed person guilty of the offense.
- j) The Adjustment Committee shall take one of the following actions, based upon the evidence admitted:
 - 1) Find that the committed person did not commit the offense. In that case, the Committee shall order that the Disciplinary Report be dismissed and expunged from the committed person's master record file. A copy shall be maintained in an expungement file.
 - 2) Find that further investigation is necessary to determine if the committed person did or did not commit the rule infraction and place the committed person in investigative status.
 - 3) Find that additional time is needed to obtain information relative to the charge. The hearing may be continued for a period of time as determined by the Committee. The individual be not be confined in investigative status. The individual may not be placed in confinement for more than seven days from the original placement in confinement.
 - 4) Find that the committed person did commit the rule infraction or a lesser rule infraction for which the elements were included in

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the original charge. The Committee may recommend one or more of the following disciplinary actions:

- A) Revoke good time credits for the committed person.
- B) Suspend or restrict one or more privileges of the committed person for a specific period of time.
- C) Change the committed person's program.
- D) Change the committed person's housing assignment or transfer the individual him to another facility.
- E) Revoke good time conduct-credits for juvenile felons and habitual juvenile offenders.
- F) Place or continue placement of the committed person in confinement. A committed person may not be confined for more than seven consecutive days nor more than fifteen days within a thirty day period except in cases of violence or attempted violence in accordance with Section 504.730. Credit shall be given for any period of prehearing and investigatory status confinement.
- G) Revoke status of the committed person to the Prisoner Review Board for recommended action.
- H) Require the committed person to make restitution.
- I) Require forfeiture of items of contraband used in the rule infraction or possessed in violation of these rules.

5) This Part shall in no way be construed or restrict or limit the Department's ability to administratively change a committed person's job, educational, program, or housing assignment, to restrict privileges, or to transfer the committed person to another facility.

k) A written record shall be prepared and be signed by all the members of the Committee which contains:

- 1) A summary of oral and written statements and other evidence presented. If the Committee members find that the committed person committed the offense, they shall provide a statement as to their reasons for the finding.
- 2) The Committee may consider information from confidential sources if:
 - i) It finds that his or her identity must be withheld for reasons of security; and
 - ii) The information is reliable.
- 3) Reliability may be established by one of the following:
 - i) The investigating officer has indicated, in writing and by his or her appearance before the Adjustment Committee, the truth of his or her report containing confidential information;
 - ii) Corroborating testimony such as statements from other sources or reliable results; or
 - iii) A statement by a member of the Adjustment Committee of an oral or written statement to the Adjustment Committee by supervisor or administrative staff that

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the individual has firsthand knowledge of the sources of information and considers them reliable on the basis of their past record of reliability.

- C) If the identity of a source is being withheld for reasons of security, a statement to that effect, and a statement that the Committee has considered the information and has included a summary of the information provided and the basis for the finding of reliability shall be documented, but need not be included in the summary based on safety and security concerns.

2) If the Committee members find that the committed person committed the offense, they shall provide a statement as to their reasons for the finding. If exonerating evidence is presented and disregarded, the Committee must state the basis for disregarding the evidence.

3) The disposition of the charges, hearing and the disciplinary action recommended, and the reasons for recommending the disciplinary action taken.

- 1) If the safety or security of the facility or any person is jeopardized by certain references in the written report, they may be deleted but the fact that they have been deleted must be noted. The report, along with a finding that material is being deleted based on safety and/or security concerns.

m) If the committed person is found guilty, the Committee shall inform the individual him of the opportunity to appeal through the grievance procedures in accordance with 20 Ill. Adm. Code 504. Subpart F.

n) A copy of the Adjustment Committee summary and the disciplinary report shall be forwarded to the Chief Administrative Officer for review and approval and a copy shall be filed in the committed person's master record file. The committed person shall be given a copy of the Adjustment Committee summary.

o) The Chief Administrative Officer shall review the Adjustment Committee summary. The Director shall review the Adjustment Committee summary when it has been recommended that a committed person lose statutory good time credits. The Chief Administrative Officer or the Deputy Director of the Prisoner Review Division shall review the Adjustment Committee summary. The Committee it has recommended a delay in referral to the Prisoner Review Board for more than 30 days.

- 1) When reviewing the record, the Director, Deputy Director, or Chief Administrative Officer may take the following actions:
 - A) Confirm the recommendation in whole or in part;
 - B) Order additional or new proceedings; and/or
 - C) Suspend or overturn the recommendation.
- D) Offer the committed person a work assignment which, if accepted and satisfactorily completed, will result in reduction of original disciplinary sanctions.

2) The Director, Deputy Director, or the Chief Administrative Officer shall not increase, but may reduce, the sanctions

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recommended by the Adjustment Committee imposed. The committed person shall be sent a copy of any modifications to the Adjustment Committee's recommendation.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 504.270 New or Additional Proceedings

- a) The Director, Deputy Director, or the Chief Administrative Officer shall may remand the decision to the Adjustment Committee for new proceedings if the proceedings are found to be defective due to:
- 1) Inadequate notice, including failure to state the correct date of the offense or the failure to provide the committed person with 24-hour notice of the hearing and notice was not waived.
 - 2) Lack of impartiality of the Adjustment Committee.
 - 3) Improper exclusion of witnesses.
 - 4) Failure to provide exonerating information to the committed person prior to the hearing.

- b) New or additional proceedings may be ordered in other circumstances, as recommended by the Director, Deputy Director, or Chief Administrative Officer.

- 1) The committed person shall be provided with notice of the rehearing as soon as possible after the Chief Administrative Officer's decision or the facility's receipt of facility-receives the decision.
- 2) The rehearing shall commence, whenever possible, within 7 seven calendar days after the Chief Administrative Officer's decision or the facility's receipt of the decision.
- 3) The procedures governing the hearing on the original charge.

- c) The Director, Deputy Director, or Chief Administrative Officer may remand the decision to the Adjustment Committee for additional documentation, correction, or clarification of the Adjustment Committee summary, including the statement of reasons for excluding witnesses on the basis for the finding of guilt and imposition of sanctions, or failure to specify reasons for finding a confidential informant to be reliable.

- 1) The committed person shall not have the right to a new hearing but shall be notified of the decision.
- 2) After the Adjustment Committee has amended its summary, it shall be forwarded to the Chief Administrative Officer and then to the Director or Deputy Director in accordance with the procedures applicable to review of the original disposition.

- d) Upon remand, sanctions greater than those imposed at the original hearing shall not be permitted unless the committed person is charged with a different offense which provides for a greater penalty than provided for under the original charge or new evidence is produced

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which was not available at the original hearing which justifies the imposition of greater punishment. However, this does not prohibit the committed person from being found guilty and disciplined on remand when the Adjustment Committee had erroneously dismissed the disciplinary report on procedural grounds.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 504.275 Program Unit Hearing Procedures

- a) The Program Unit shall be convened, but need not be concluded, within 7 seven-calendar days after the commission of the offense or its discovery unless the committed person is unable to participate in the hearing.

- b) The committed person shall receive written notice of the facts and charges being presented against him or her prior to the hearing.

- c) The hearing may be continued to obtain additional information or upon the committed person's written request and for good cause shown.

- d) The committed person shall have the right to appear before and address the Program Unit Hearing Officer.

- e) The Program Unit Hearing Officer may call witnesses and review any information relevant to the charge.

- f) The committed person shall not have the right to retained or appointed counsel but may request assistance of a staff member in the preparation of his or her defense.

- g) The Program Unit Hearing Officer may return a disciplinary report to the Chief Administrative Officer with a recommendation for a hearing before the Adjustment Committee. The factors listed in Section 504.210(a) shall be considered when making this determination.

- 1) If approved by the Chief Administrative Officer, a hearing before the Adjustment Committee shall commence within 7 seven-calendar days of the approval.
- 2) If not approved, the disciplinary report shall be referred back for a hearing before the Program Unit which shall commence within 7 seven-calendar days of the decision not to approve the recommendation.

- h) The Program Unit Officer may recommend any of the actions authorized in Section 504.260(j) of this Part except that the Officer may not recommend placement in minimum, revocation of good time, transfer of credits, or denial of parole. The committed person to the Prisoner Review board for recommended parole.

- i) A record shall be signed by the Hearing Officer which contains a summary of oral and written statements and other evidence presented, the decision and the disciplinary action recommended.
- j) The summary shall be processed in accordance with Sections 504.260(n) and (o) and 504.270 of this Part.

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(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 504.280 Computation of Discipline for Multiple Offenses

- a) When a committed person has been found in violation of more than one offense arising from a single incident, the maximum penalty shall not exceed the maximum penalty for the most serious offense the individual is found to have committed.
- b) When a committed person has been found in violation of more than one offense arising from separate incidents, the maximum penalty for each offense may be imposed, and such penalties shall run consecutively. For example, a committed person who is found guilty of assaulting several persons within a short period of time has committed multiple offenses which would be punishable consecutively.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 504.290 Restitution Procedures

- a) The Adjustment Committee of Program Unit may recommend that the committed person make restitution in any amount not to exceed actual out-of-pocket expenses or loss caused by the conduct of the committed person. The Adjustment Committee of Program Unit shall determine the amount and the conditions of payment.
- b) If the Adjustment Committee of Program Unit determines that restitution for damage to property or person is appropriate, it shall ask the committed person to authorize disbursement from his or her trust fund or from any other account.
 - 1) If the committed person agrees to make restitution, the individual he shall sign an authorization for disbursement of funds either to the State or the appropriate individual.
 - 2) If the committed person does not authorize disbursement of his or her current funds, the Adjustment Committee of Program Unit, with the Adjustment Committee's of Program Unit's recommendation, the Adjustment Committee of Program Unit may recommend that a hold be placed on the individual's his account for such amount, and may further recommend that the individual's his commissary privileges of and/or State pay off both be suspended in whole or in part for a definite period of time.
- c) The Adjustment Committee of Program Unit may consider the committed person's willingness to make restitution in imposing any other disciplinary sanctions.
- d) Under no circumstances will any committed person be subjected to greater punishment because he or she is without funds and therefore unable to make restitution.
- e) In the event a committed person is released prior to full payment of

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restitution, arrangements shall be made for payment of the balance of the authorized restitution. If the committed person did not authorize restitution, a portion of the grant money provided for in 20 Ill. Adm. Code 504.320 may be suspended.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 504.300 Restoration of Good Time

Good time which has been revoked may be restored in accordance with 20 Ill. Adm. Code 107.160. When a committed person has lost 30 days or less of good time and for 120 days following the revocation he has not been found guilty of one major or three minor disciplinary reports there shall be an automatic consideration for the for the restoration of that good time which was revoked.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART C: ADMINISTRATION OF DISCIPLINE -- COMMUNITY SERVICES

Section 504.405 Responsibilities

- a) Unless otherwise specified, the Director or Chief Administrative Officer may delegate responsibilities stated in this Subpart to another person or persons or designate another person or persons to perform the duties specified.
- b) No other individual may routinely perform duties whenever a Section in this Subpart specifically states the Director or Chief Administrative Officer shall personally perform the duties. However, the Director or Chief Administrative Officer may designate another person or persons to perform the duties during periods of his or her temporary absence or in an emergency.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 504.410 Offenses and Maximum Penalties

Maximum penalties for conduct which constitutes a disciplinary infraction are set forth in Table C.

- a) No committed person shall be found guilty of any violation of these rules without a hearing before the Adjustment Committee or Program Unit. If a committed person is transferred from one facility to another pending a hearing, the individual shall be provided with an opportunity to present a defense at any subsequent disciplinary hearing held at the receiving facility which is comparable to that

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which would have been afforded, in accordance with this Subpart, at the sending facility.

- b) In determining the appropriate sanctions, the Adjustment Committee of the Program Unit, the Chief Administrative Officer, and the Director may consider, among other matters, mitigating or aggravating factors such as:
- 1) The committed person's mental state at the time of committing the offense;
 - 2) The extent and degree of participation in the commission of the offense;
 - 3) The amount of and/or nature of stolen property, contraband, or injury;
 - 4) The committed person's prior disciplinary record.
- c) Corporal punishment and disciplinary restrictions on diet, medical or sanitary facilities, clothing-bedding mail, or access to legal materials shall be and reductions in the frequency-of-use-of-toilets, washbaths-and-shower-are prohibited.
- d) Disciplinary-restrictions-on-visitation-work-education-or-program-assignment-and-use-of-the-library-shall-be-related-as-closely-as-practicable-to-the-abuse-of-such-privileges
- e) Committed persons are every-committed-person-is presumed to be responsible for any contraband or other property prohibited by this Part which is located on their person, within their his cell, or within areas of their his housing, work, educational, or vocational assignment which are under their his control. Increases in the assigned ventilation unit, plumbing, and the committed person's window ledge, ventilation unit, plumbing, and the committed person's desk, cabinet, shelving, storage area, bed, and bedding materials in his or her housing assignment; and desk, cubicle, work station, locker in his or her work, educational, or vocational assignment. If the committed person produces evidence which convinces the Adjustment Committee or Program Unit that he or she did not commit the offense, the committed person he shall be not guilty.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 504.420 Preparation of Disciplinary Reports

- a) Every employee has the duty to observe the conduct of committed persons.
- b) If an employee observes a committed person committing an offense, he discovers evidence of its commission, or receives information of such commission from a reliable witness, the employee he shall promptly prepare a disciplinary report.
- c) Table C lists the names of those listed in the 400 series in the 400 series. Table C the employee may use discretion in regard to the preparation of a disciplinary report. If the employee determines that an oral

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reprimand will be sufficient to resolve the situation, preparation of a disciplinary report is not necessary.

- d) The disciplinary report must be fully completed. The following information shall be provided to the extent known or available:
 - 1) the name and register number of the committed person,
 - 2) the place, time, and date of the offense,
 - 3) the offense which the committed person is alleged to have committed,
 - 4) A written statement of the conduct observed,
 - 5) The names of committed persons, employees and visitors who were witnesses. The identity of witnesses may be withheld for reasons of security. Provided a statement to that effect and the information the confidential source provided are included on the disciplinary report to the extent the information can be included without jeopardizing security.
- e) If a committed person is suspected of committing a disciplinary offense, an investigative disciplinary report, hereinafter referred to as an investigative report, may be issued which reasonably informs the committed person of the subject of the investigation to the extent that safety and security allow.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 504-430 Temporary Confinement

1. The Chief Administrative Officer shall determine whether or not it is necessary to restrict the committed person in investigative status or in temporary confinement status pending a disciplinary hearing or a determination whether or not to issue a disciplinary or investigative report in accordance with Section 504.420. The Chief Administrative Officer shall also have the authority to release the committed person from temporary confinement. The decision to place a committed person in temporary confinement may be based, among other matters, on:
- a) the aggressiveness of the committed person;
 - b) the threat posed to the safety and security of the facility or any person;
 - c) the need to restrict the committed person's access to general population to protect the individual him from injury or to conduct the investigation; or
 - d) the seriousness of the offense.
2. Committed persons shall be housed in their rooms or living areas or in other areas designated by the Chief Administrative Officer.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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Section 504.440 Review of Disciplinary Reports

- a) The Chief Administrative Officer of each facility shall designate one or more Reviewing Officers.
- b) The Reviewing Officer shall review the decision to place a committed person in temporary confinement within three days of such placement, whenever possible, and may order release from or placement in temporary confinement. Among other matters, the factors listed in Section 504.430(a) may be considered. If a disciplinary or investigative report has not been written within three days of the committed person's placement in temporary confinement, the Reviewing Officer shall inform the Chief Administrative Officer.
- c) A committed person who receives an investigative report shall be interviewed by the Reviewing Officer in order to permit the committed person an opportunity to present his or her views regarding placement in investigative status. The interview shall be conducted within 14 eight days after of initial placement in investigative status, whenever possible.

1) The Reviewing Officer shall recommend whether to continue placement of a committed person in investigative status. Among other matters, factors in Section 504.430(a) may be considered. The Chief Administrative Officer shall make the final determination.

- 2) The committed person shall be informed of the decision and the decision shall be documented in writing.
- 3) The committed person may be placed in investigative status for up to 30 days.
- 4) If the investigation does not indicate that the committed person may be guilty of any disciplinary offense, placement in investigative status shall be terminated and the report shall be expunged from the committed person's records. A copy shall be maintained in an expungement file. This decision shall be made by the Chief Administrative Officer and shall be documented in writing.

5) If, as a result of the investigation, it is necessary to amend or modify the original charges, the committed person shall be issued a revised disciplinary report.

- 6) Upon completion of the investigation, the committed person shall appear before the Adjustment Committee for a hearing on the report. If the report has been heard on the disciplinary report unless the report has been expunged.

7) The committed person is transferred from one facility to another while in confinement and is transferred to another facility. The committed person is transferred to another facility with an opportunity to present a defense. Any subsequent disciplinary hearing held at the receiving facility, which is comparable to that which would have been afforded in accordance with this Subpart, at the sending facility.

7) If, in the event that an investigation cannot be completed within 30

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days due to an institutional emergency, the Chief Administrative Officer may authorize in writing an extension of up to 30 days placement in confinement pending investigation. As used in this Section an institutional emergency includes riots, strikes, lockdowns, and natural disasters.

g) The Director may authorize, in writing, additional extensions of up to 30 days each if an institutional emergency prevents completion of the investigation within 60 days. The committed person shall be informed of the decision in writing.

- d) The Reviewing Officer shall review each disciplinary report and determine whether the report justifies a disciplinary hearing.

1) The reported facts justify a disciplinary hearing. If not, the disciplinary report shall be expunged from the committed person's records. A copy shall be maintained in an expungement file.

2) The disciplinary report has been completed properly. If not, the Reviewing Officer shall make the necessary corrections or direct the reporting employee to make the corrections. The committed person shall be provided with a copy of the corrected report. In the event the corrected report contains new charges, the committed person shall be provided the corrected report at least 24 hours prior to the hearing unless the committed person waives this notice in writing.

3) The offense is major or minor in nature. Major offenses shall be assigned to the Adjustment Committee for a hearing and minor offenses shall be assigned to the Program Unit for a hearing. Commit

A) Aiding or abetting, soliciting, attempting to commit, or conspiring to commit, or committing any offense listed in the 100, 200, or 500 series of Table C. A shall be considered a major offense.

B) Those offenses listed in the 300 or 400 series or the aiding and abetting, soliciting, attempting to commit, or conspiring to commit any of these offenses shall be designated as major or minor based on the seriousness of the offense and the factors enumerated in Section 504.410(b).

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 504.450 Adjustment Committee and Program Unit Composition

- a) The Chief Administrative Officer shall appoint the Adjustment Committee, which shall be composed of at least two members.
 - 1) One member of the Adjustment Committee shall be designated by the Chief Administrative Officer as chairperson.
 - 2) One member of the Committee shall be a minority staff member.
- b) The Program Unit shall be composed of a group of individuals appointed by the Chief Administrative Officer who shall serve as Hearing Officers. At least one member of the Unit shall be a minority staff

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member.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 504.460 Adjustment Committee Hearing Procedures

- a) The Adjustment Committee hearing shall be convened but need not be concluded within 14 eight-calendar days following the commission of the alleged offense or its discovery, whenever possible, unless the committed person has received a continuance or is unable to appear for any reason to participate in the hearing. For purposes of this Section, when an investigation has taken place, an offense is considered to be discovered upon the conclusion of the investigation. Inability to participate includes the absence of the committed person from the facility for any reason, or certification by health care staff that the committed person is unable to appear.
- b) The committed person shall be notified of the charges and the charges being presented against him or her no less than 24 hours prior to the Adjustment Committee hearing. The committed person may waive the 24 hours advance notice. The waiver shall be in writing.
- c) The committed person shall be informed before or at the hearing of information which would tend to show that the committed person was not guilty. If information is provided to him or her at the hearing, the committed person shall, upon request, be given a continuance.
- d) Any person who initiated the allegations which serve as the basis for the disciplinary report, or who conducted a formal investigation into those allegations, or who witnessed the incident, or who is otherwise not impartial shall not serve on the Adjustment Committee hearing that disciplinary report. A committed person who objects to a member of the Adjustment Committee based on immateriality must raise the matter at the hearing. The committee must then decide whether to remove the member of the Adjustment Committee. The committee shall decide the matter of the objection and the decision shall be the final decision of the Adjustment Committee.
- e) A committed person may, upon written request and for good cause shown, be granted additional time to prepare his or her defense.
- f) Any committed person charged with a violation of any rule being heard by the Adjustment Committee shall have the right to appear before and address the Committee. Any refusal to appear shall be documented and provided to the Committee. However, failure to appear before or address the Committee may be adversely construed against the individual him by the Adjustment Committee.
- 1) The committed person may make any relevant statement or produce any relevant documents in his or her defense.
- 2) Prior to the hearing, the committed person may request that witnesses be interviewed. The request shall be in writing on the space provided in the disciplinary report and must include an explanation of what the witnesses would state. If the committed person fails to make the request in a timely manner before the

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- g) The Committee shall consider all material presented which is relevant to the issue of whether or not the committed person committed the offense.
- h) The Adjustment Committee shall may consider any statements of witnesses who may have relevant knowledge of the incident and who are reasonably available.
- 1) The Committee may interview witnesses and prepare or review summaries of their testimony prior to or at of subsequent to the hearing.
- 2) The committed person does not have the right to confront or cross-examine any witnesses but may submit questions for witnesses to the Committee prior to the hearing. The questions shall be asked by the Committee upon request and shall be cumulative, directly related to the safety of the facility.
- 3) A means shall be provided in each living unit for committed persons to submit witness request slips. The Committee may disapprove witness requests that are not received prior to the hearing.
- 4) Requests witnesses--requested by committed persons for witnesses may be denied excluded if their testimony would be, among other matters, irrelevant or cumulative or might jeopardize the safety of the facility or disrupt security. If any witness is denied excluded, a written reason shall be provided.
- 1) Committed persons shall not have the right to either retained or appointed counsel. A committed person may request the assistance of a staff member in the preparation and presentation of his or her defense if he or she is not fluent in the English language or if he or she is preparing his or her defense.
- 3) The Adjustment Committee shall decide whether or not the committed person committed the offense based upon all relevant information and the evidence admitted-at-the-hearing.
- 1) The Committee must be reasonably satisfied that there is some evidence that the committed person committed the offense for the individual him to be found guilty.
- 2) Polygraph results may be considered but may not be the sole basis for finding the committed person guilty of the offense.
- k) The Adjustment Committee shall take one of the following actions based upon the evidence admitted:
 - 1) Find that the committed person did not commit the offense. In that case, the Committee shall order that the disciplinary report be dismissed and expunged from the committed person's records. A copy shall be placed in an expungement file.
 - 2) Find that further investigation is necessary to determine if the committed person did or did not commit the offense and place the

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- 3) Committed person in investigative status. When an action is taken to obtain information relative to the hearing may be confined for reasonable time. However, unless the committed person is placed in investigative status, he or she may not be confined for more than 10 eight days from the date of placement in temporary confinement.
- 4) Find that the committed person did commit the offense or a lesser offense for which the elements were included in the original charge. The Committee may recommend one or more of the following disciplinary actions:
- Reprimand the committed person.
 - Suspend or restrict one or more privileges of the committed person for a specific period of time.
 - Reduce the committed person's level.
 - Change the committed person's program.
 - Require the committed person to make restitution.
 - Reduce the committed person's statutory good time or good conduct credits.
 - Revoke the committed person from the facility and transfer the individual him to a reception and classification center, if revocation is recommended, the Committee may also recommend reduction in grade and placement in segregation.
 - Require forfeiture of items of contraband used in the offense or possession in violation of these rules. If the committed person is revoked from the facility, the Committee shall consider making any of the following recommendations:
 - Reduction in grade.
 - Placement in segregation.
 - Revocation of statutory good time or good conduct credits.
 - Restrict access to clothing, bedding, toilets, washbouts, and showers if related abuses of privileges are involved. Restrictions must be personally reviewed and approved every three days by the Chief Administrative Officer or above.
- 5) A written record shall be prepared and signed by all members of the Committee which contains:
- A summary of oral and written statements and other evidence presented.
 - The Committee may consider information from confidential sources if:
 - It finds that his or her identity must be withheld for reasons of security, and
 - The information is reliable.
 - Reliability may be established by one of the following:
 - The investigating officer has indicated, in writing, or by his or her appearance before the Adjustment

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- Committee, the truth of his or her report containing confidential information.
- Corroborating testimony such as statements from other sources or polygraph results; or
 - An oral or written statement to the Adjustment Committee by supervisory or administrative staff that the individual has firsthand knowledge of the sources of information and considers them reliable on the basis of their past record of reliability.
- 6) If the identity of a source is being withheld for reasons of security, a statement to that effect, and a statement that the Committee finds the information reliable must be included. A summary of the information provided and the basis for the finding of reliability shall be documented, but need not be included in the summary based on safety and security concerns.
- 7) If the Committee members find that the committed person committed the offense, they shall provide a statement as to their reasons for the finding. If exonerating evidence is presented and disregarded, the Committee may state the basis for disregarding the evidence.
- 8) The disposition of the hearing and the disciplinary action recommended, and the reasons for recommending the disciplinary action taken.
- This Part shall in no way be construed to restrict or limit the Department's ability to administratively change a committed person's job, educational, program, or housing assignment or to transfer the committed person to another facility.
 - If the safety or security of the facility or any person is jeopardized by the fact that references have been written, they may be deleted but the fact that they have been written shall remain in the summary, along with a finding that material is being deleted based on safety and/or security concerns.
 - If the committed person is found guilty, the individual he shall be informed of the opportunity to appeal through the grievance procedures as established in 20 Ill. Adm. Code 504. Subpart 8.
 - A copy of the disciplinary report and Adjustment Committee summary shall be forwarded to the Chief Administrative Officer for review and approval within a reasonable period of time. A copy shall be filed in the committed person's facility file and a copy shall be sent to the record office of the parent institution in the Adult Division for inclusion in the committed person's master record file. The committed person shall be given a copy of the Adjustment Committee summary.
 - The Chief Administrative Officer shall review all Adjustment Committee dispositions and written records. The Director shall review all Adjustment Committee dispositions and written records when it has been recommended that the committed person lose statutory good time or good

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conduct credits.

- 1) The Director or the Chief Administrative Officer may take the following actions:
 - A) Confirm the recommendation disposition in whole or in part.
 - B) Order additional or new proceedings.
 - C) Suspend or overturn the recommendation disposition.
 - D) Offer the committed person a work assignment, which, if accepted and satisfactorily completed, will result in reduction of original disciplinary sanctions.
- 2) The Director or the Chief Administrative Officer shall not increase sanctions recommended by the Adjustment Committee imposed, but reduce them. The committed person shall be sent a copy of any modification to the Adjustment Committee recommendations receive a copy of this review.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 504.470 New or Additional Proceedings

- a) The Director or the Chief Administrative Officer shall may remand the decision to the Adjustment Committee for new proceedings if the proceedings are found to be defective due to:
 - 1) Inadequate notice, including failure to state the correct date of the hearing, or the disciplinary report or failure to provide the committed person with a 24-hour notice of the hearing, and notice was not waived;
 - 2) Lack of impartiality of the Adjustment Committee; or
 - 3) Improper exclusion of witnesses.
- b) Failure to provide extenuating information to the committed person prior to the hearing.
- c) New or additional proceedings may be ordered in other circumstances, as determined by the Director or Chief Administrative Officer.
 - 1) The committed person shall be provided with notice of the hearing within a reasonable time after the Chief Administrative Officer's decision or the facility's receipt of the decision.
 - 2) The hearing shall commence within 14 days after the Chief Administrative Officer's decision or the facility's receipt of the decision, whenever possible.
 - 3) The procedures on remand shall be conducted in accordance with the procedures governing the hearing on the original charge.
- d) The Director or the Chief Administrative Officer may remand the decision to the Adjustment Committee additional documentation, correction, or clarification of the Adjustment Committee findings, including the statement of reasons for excluding witnesses testimony, for the finding of guilt and imposition or the threat of sanctions of the failure to specify reasons for finding a confidential informant to be reliable.

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- 1) The committed person shall not have the right to a new hearing, but shall be notified of the decision.
- 2) After the Adjustment Committee has amended its summary, it shall be forwarded to the Chief Administrative Officer and then to the Director in accordance with the procedures applicable to review of the original disposition hearing.
- d) Upon remand, sanctions greater than those imposed at the original hearing shall not be permitted, unless the committed person is charged with a different offense which provides for a greater penalty than provided for under the original charge or new evidence is produced which was not available at the original hearing and justifies the imposition of greater punishment. However, this does not prohibit the committed person from being found guilty and disciplined on remand when the Adjustment Committee had erroneously dismissed the disciplinary report on procedural grounds.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 504.480 Program Unit Hearing Procedures

- a) The Program Unit hearing shall be convened, but need not be concluded, within 14 eight-calendar days after the commission of the offense or its discovery, whenever possible, unless the committed person is unable to participate in the hearing.
- b) The committed person shall receive written notice of the facts and charges being presented against him or her prior to the hearing.
- c) Any person who initiated the allegations which serve as the basis for the disciplinary report, or who conducted a formal investigation into the alleged offense, shall not be present at the hearing. If the person is not impartial shall not conduct a hearing on that report.
- d) The hearing may be continued to obtain additional information or upon the committed person's request and for good cause shown.
- e) The committed person shall have the right to appear before and address the Program Unit.
- f) The Program Unit Hearing Officer may call witnesses and review any information relevant to the charge.
- g) The committed person shall not have the right to retained or appointed counsel. The committed person may request the assistance of a staff member in the preparation of his or her defense if the individual he is illiterate or does not speak English or when other circumstances exist which preclude the individual from adequately preparing his or her defense.
- h) The Program Unit Hearing Officer may return a disciplinary report to the Chief Administrative Officer with a recommendation for hearing before the Adjustment Committee. The hearing shall be held in Session 504.440(3) shall be considered when making this determination.
- i) If approved by the Chief Administrative Officer, a hearing before

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the Adjustment Committee shall commence within 14 eight-extended days after of the approval, whenever possible.

- 2) If not approved, the disciplinary report shall be referred back for a hearing before the Program Unit which shall commence within 14 eight-extended days after of the decision not to approve the Adjustment Committee's recommendation.
- i) The Program Unit Hearing Officer shall pay of the actions authorized in Section 504.460(k) of this Part except that the Officer may not recommend revocation of the committed person from the center or revocation of good time.
- j) A record shall be signed by the Hearing Officer which contains a summary of oral and written statements and other evidence presented, the decision, and the disciplinary action recommended.
- k) The summary shall be processed in accordance with Sections 504.460(p) and (q) and 504.470 of this Part.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 504.490 Computation of Penalty for Multiple Offenses

- a) When the committed person has been found in violation of more than one offense arising from a single incident, the maximum penalty shall not exceed the maximum penalty for the most serious offense the individual he was found to have committed.
- b) When the committed person has been found in violation of more than one offense arising from separate incidents, the maximum penalty for each offense may be imposed, and such penalties shall run consecutively. For example, a committed person who is found guilty of assaulting several persons within a short period of time has committed multiple offenses which would be punishable consecutively.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 504.500 Restitution Procedures

- a) The Adjustment Committee or Program Unit may recommend that the committed person make restitution in any amount not to exceed actual out-of-pocket expenses or loss caused by the conduct of the committed person. The Adjustment Committee or Program Unit shall document determine the amount and the conditions of payment.
- b) If the Adjustment Committee or Program Unit determines that restitution for damage to property or person is appropriate, it shall ask the committed person to authorize disbursement from his or her trust fund or from any other account.
 - 1) If the committed person agrees to make restitution, he or she shall sign an authorization for disbursement of funds either to

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- 2) If the committed person refuses to authorize disbursement of his or her trust fund or from any other source in accordance with the Adjustment Committee's Program Unit recommendation, the Adjustment Committee or Program Unit may recommend that a hold be placed on the individual's his account for such amount and may further recommend that his or her expenditures or end/or earnings be suspended in whole or in part for a definite period of time. However, the committed person shall be permitted to retain a sufficient amount of funds to purchase basic personal hygiene items if such items are not provided by the facility.
- c) The Adjustment Committee or Program Unit may consider the committed person's willingness to make restitution in imposing any other disciplinary sanctions.
- d) A committed person shall not be subjected to greater punishment because he or she is without funds and therefore unable to make restitution.
- e) In the event a committed person is released prior to full payment of the authorized restitution, all the balance of the balance of the authorized restitution shall be for the account of the balance of the authorized restitution. If the committed person did not authorize restitution, all or a portion of the grant money provided for in 20 Ill. Adm. Code 502.320 may be suspended.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 504.510 Restoration of Good Time

Good time which has been revoked may be restored in accordance with 20 Ill. Adm. Code 107.160. In cases where a committed person has lost 30 days or less of good time, automatic consideration for the restoration of that good time when was revoked shall be given after 120 days if within that time period the committed person has not been found guilty of one major disciplinary report or three minor reports.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART D: SEGREGATION, INVESTIGATIVE CONFINEMENT AND
ADMINISTRATIVE DETENTION -- ADULT

Section 504.605 Responsibilities

- a) Unless otherwise specified, the Director or Chief Administrative Officer may delegate responsibilities stated in this Subpart to another person or persons or designate another person or persons to perform the duties specified.

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- b) No other individual may routinely perform duties whenever a Section in Subpart specifically states the Sector or Chief Administrative Officer shall perform them. However, the Chief Administrative Officer may designate another person or persons to perform the duties during periods of their temporary absence or in an emergency.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 504.610 Placement in Confinement

- a) In accordance with this Part, committed persons may be confined:
- 1) In temporary confinement pending a disciplinary hearing or investigation;
 - 2) In segregation status as a result of a disciplinary hearing or in administrative detention;
 - 3) Committed persons may be confined in their cells or living areas, in the Segregation Area, or in any other area designated by the Chief Administrative Officer.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 504.620 Segregation Standards

Standards for living conditions in segregation areas shall include the following provisions:

- a) Single-celling shall be provided except in those cases in which adequate facilities are not available for all persons assigned to segregation. Double-celling shall be permitted only upon approval of the Chief Administrative Officer. Prior to assigning committed persons to double-celling, a review shall be conducted to determine whether there are reasons why the committed persons should not be double-celled.
- b) Minimally, each cell shall be furnished with:
 - 1) A bed for each committed person securely fastened to the cell;
 - 2) Clean bedding, including a mattress, blanket, sheets, pillow, and pillow case for each committed person;
 - 3) A wash basin with running water and flushable toilet facilities (controls may be located outside the cell); and
 - 4) Adequate lighting for reading and observation purposes.
- c) Segregation cells shall be located at or above ground level and have heat and ventilation consistent with the climate.
- d) Each cell shall have a single door and a food passage. Any solid cell door shall have a vision panel. When only a solid door is available, it shall be provided with a vision panel.
- e) The use of physical restraints to confine the committed persons

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movements within the cell shall be prohibited unless the Chief Administrative Officer has determined such restraints are necessary to protect another person or property and the appropriate Assistant Deputy Director has approved the restraints.

- f) Cleaning materials shall be made available on a regular basis.
- g) Personal health and hygiene needs of the committed person shall be permitted as follows:

- 1) A shower and shave or access to a wash basin no less than once per week.
- 2) State issued toilet tissue, soap, towel, toothbrush, and toothpaste for daily use if the committed person has insufficient commissary funds to purchase these items.
- 3) A weekly exchange of clean institutional clothes or availability of laundry services at least weekly.
- 4) False teeth, eye glasses, and other essential items of personal hygiene and health shall be permitted unless they are a threat to safety or security.
- b) Committed persons in segregation status shall be permitted the same personal property as authorized by the Chief Administrative Officer for persons in the Segregation Area. However, the Chief Administrative Officer may, except as ordered by the Chief Administrative Officer for safety and security reasons, restrict the property of committed persons in segregation areas to the population except as noted in 20 Ill. Adm. Code 535 or as ordered by the Chief Administrative Officer for safety and security reasons.
- c) Commissary privileges comparable to those applicable to the general population shall be allowed, according to grade (Section 504.130), except for restrictions on certain items which may be ordered by the Chief Administrative Officer for safety and security reasons or for other legitimate penological reasons.
- d) Persons in segregation areas status shall receive nutritionally adequate food comparable to that provided to the general population.
- e) Visits shall be permitted in accordance with 20 Ill. Adm. Code 525. Subpart A according to grade (Section 504.130).
- f) Medical personnel shall visit the segregation area daily to screen requests for medical attention, and a physician shall visit the segregation area at least once a week.
- g) A chaplain designated by the Chief Administrative Officer shall visit the segregation area on a daily basis when a chaplain is present on institutional grounds, when possible, but not less than once a week.
- h) Each committed person in segregation status or administrative detention shall be contacted by a correctional counselor at least once every 30 days.
- i) Continued involvement in programs may be permitted on an individual basis by grade on approval of the Chief Administrative Officer.
- j) Committed persons shall be afforded the opportunity for a minimum of one-hour exercise outside their cells in accordance with Section 504.670, per week. However, out-of-cell exercise may be temporarily restricted or suspended under medical or disciplinary contraindications if the Chief Administrative Officer determines the activity to be a threat to the safety and security of the facility or any person.

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- q) Committed persons who are not in "C" grade shall be permitted to make one collect telephone call per month for a period of no more than 15 minutes.
- r) Committed persons in segregation areas shall have the same mail privileges as those provided for persons in the general population (20 Ill. Adm. Code 525-Subpart B).
- s) Committed persons in segregation areas shall be permitted reading materials and shall have access to materials from the facility library and legal library. Physical access to the library need not be provided.
- t) Any equipment, personal property, or material provided or allowed in the cell of a committed person in segregation status may be removed or restricted as approved by the Chief Administrative Officer if the committed person destroys, damages, or abuses it in a way that adversely affects the safety of any person or disrupts institutional safety or order.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 504.630 Investigative Confinement

Committed persons placed in confinement pending completion of an investigation shall be provided with the same conditions and services as those required for the segregation area unit.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 504.650 Confinement in Control Segregation (Repealed)

- a) A committed person who manifests violent, belligerent, or self-destructive behavior while assigned to the segregation unit and who has not been determined to be mentally ill may be placed in control segregation on the order of the Chief Administrative Officer:
- 1) Prior to placement in control segregation the committed person's case shall be discussed with a Department physician to ensure that there are no medical contraindications to such placement.
 - 2) The committed person shall be examined by a Department physician within 24 hours following placement in a control segregation cell.
- b) A committed person may be confined to control segregation for a single incident for no more than two consecutive three-day periods:
- 1) At the end of the initial three-day period the committed person's behavior while in control segregation shall be reviewed by the Chief Administrative Officer. If the decision is made to continue the placement for an additional three-day period the Chief Administrative Officer shall provide a written statement of

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- the reasons for the decisions.
- 2) When a committed person is removed from a control cell, his medical and psychiatric condition shall be reviewed by medical personnel.
 - 3) Once removed from a control cell, the committed person may not be reconfined in control segregation for 24 hours.
 - e) The following conditions shall apply to control segregation:
 - 1) Single-celling shall be isolated.
 - 2) Cells may be removed and isolated from the regular segregation unit. Cell fronts may be screened or partially covered, but food and vision panes shall be provided.
 - 3) Cells shall be equipped as outlined in Section 504.608(b) and (c).
 - 4) Committed persons shall have one set of regular institution clothing and shall have access to essentials for personal hygiene.
 - 5) Personal property shall be restricted to personal mail, legal papers, and commissary items which do not pose a threat to the safety of the committed person, employees or others. Any equipment or material provided or allowed in a control segregation cell may be removed or restricted if the committed person abuses its use or if the item is considered a threat to the safety of the committed person, employees or others.
 - 6) Counseling, food, clothing, chaplaincy, services, library materials, and other services shall be provided at the cell location consistent with need, behavior and security.
 - 7) Committed persons in control segregation may not participate in activities outside the cell.
 - 8) Medical services shall be provided at or outside the cell as needed.
 - 9) Committed persons in control segregation shall be visually checked no less frequently than every half hour and a log shall be maintained.

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

Section 504.660 Administrative Detention

Administrative detention is a nondisciplinary status of confinement which revokes a committed person from general population or restricts the individual's access to general population. Committed persons may be confined in their cells, living areas, in the segregation area or in any other area designated by the Chief Administrative Officer.

- a) The Chief Administrative Officer may personally, with the approval of the Director, Deputy Director, or Assistant Director, place a committed person in administrative detention for a period of up to 90 days.
- b) In determining whether to place a committed person in administrative

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detention, the Chief Administrative Officer may consider, among other matters:

- 2) The seriousness of the offense;
 - 3) The safety and security of the facility or any person;
 - 4) The committed person's behavioral and disciplinary history;
 - 5) Reports and recommendations concerning the committed person;
 - 6) The interview and any submissions of relevant material and information; the feasibility of a transfer to another facility (see 20 Ill. Adm. Code 509.7);
 - 7) Other legitimate penological interests.
- c) The Director, Deputy Director, or Assistant Deputy Director may authorize additional extensions of administrative detention of up to 90 days each, determining whether to authorize an extension of the detention of the committed person. The Director, Deputy Director, or Assistant Deputy Director may consider, among other matters, those enumerated in subsection (b) of this Section. Among other matters, may be considered above.
- d) The Chief Administrative Officer shall personally review the status of each committed person confined in administrative detention periodically but no less frequently than once every 30 days.
- e) Living conditions in administrative detention shall meet, at minimum, the standards set forth in Section 504.620. Telephone privileges shall be afforded in accordance with 20 Ill. Adm. Code 525.150.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 504.670 Recreation for Persons in Segregation Status

- a) The Chief Administrative Officer shall determine the number of hours a week committed persons in segregation status may recreate outside their cells. Unless restricted by the Chief Administrative Officer in accordance with this Section:
- 1) Committed persons in segregation status for less than 90 consecutive days shall be afforded the opportunity to recreate outside their cells for a minimum of one hour per week.
 - 2) Committed persons who have been in segregation status for 90 consecutive days or more shall be afforded the opportunity to recreate outside their cells for a minimum of five hours per week.
- b) Out of cell recreation may be temporarily restricted or suspended unless medically contraindicated if the Chief Administrative Officer determines that such restriction or suspension is necessary to the safety or security of the facility or activity to be a threat to the safety and security of the facility or activity.
- c) Committed persons who may be in segregation status and who are also under investigation may have their recreational opportunities restricted during the pendency of the investigation for a period not to exceed 90 days.

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- 2) Committed persons may have their recreation restricted or limited due to a medical or mental health condition as determined necessary by a health care professional.
- 3) Committed persons who have been inmates in criminal cases against other inmates who are informants or who otherwise require precautions to ensure their protection may have their recreational opportunities restricted.
- 4) Committed persons who are classified as high escape risks may have their recreational opportunities restricted.
- 5) Committed persons who are found guilty under 20 Ill. Adm. Code 504. Subpart A of:
 - 1) A violation of State or Federal laws or committing assault, dangerous conduct, arson, damage or misuse of property, or aiding or abetting, attempting, soliciting, or conspiring to commit any of the offenses listed in subsection (a) of this Section;
 - 2) Restricted from recreational opportunities for up to 90 days for the first offense; and
 - 3) Restricted from recreational opportunities for up to 90 days or indefinitely placed on limited recreation or both for the second and subsequent offenses.
- 6) Any other major rule infraction which is yard-related and which was committed while the committed person was in segregation status may be restricted for up to 90 days for the first offense and up to 90 days for each subsequent major offense.
- 7) A minor disciplinary offense which is yard-related and which was committed while the committed person was in segregation status may be restricted for up to 15 days for the first offense and up to 30 days for each subsequent offense.
- 8) The period of restriction imposed under subsection (c) of this Section shall be extended consecutively to a minimum of 90 days if the committed person is placed in segregation status and consecutive to any previously imposed recreational restrictions. This shall not limit the ability to restrict recreational opportunities for committed persons who have not served 90 consecutive days in segregation.
- 9) Restrictions on recreational opportunities shall be documented, including the types, length, and reason for the restriction. A copy of the documentation shall be maintained by the facility, a copy shall be placed in the committed person's master record file, and a copy shall be given to the committed person.
- 10) Committed persons whose recreational opportunities have been restricted or limited may request the determination in accordance with 20 Ill. Adm. Code 501. Subpart F.
- 11) Recreational opportunities shall not be required during institutional lockdowns or during institutional emergencies, including, but not limited to, riots, strikes, fires, work stoppages, power outages, and natural disasters.

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(Source: Added at 21 Ill. Reg. _____, effective _____)

SUBPART B: CONFINEMENT PROCEDURES -- JUVENILE

Section 504.715 Responsibilities

- a) Unless otherwise specified, the Director or Chief Administrative Officer may delegate responsibilities stated in this Subpart to another person or persons or designate another person or persons to perform the duties specified.
- b) No other individual may routinely perform duties whenever a Section in this Subpart specifies the Director or Chief Administrative Officer shall specifically perform the duties. However, the Director or Chief Administrative Officer may designate another person or persons to perform the duties during periods of his or her temporary absence or in an emergency.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 504.720 Placement in Confinement

- a) Confinement may be imposed only under the following conditions:
 1) When a committed person has committed or is under investigation for commission of a rule violation, as defined in Section 21b-1(a)(2)(i);
 2) When the behavior of the committed person poses a serious threat to his or her own or others' safety, or the security of the facility; or
 3) When a committed person is awaiting transfer to a more secure setting.
- b) Committed persons may be confined in their rooms or living areas or in any other area designated by the Chief Administrative Officer.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 504.730 Confinement Procedures

- a) A committed person confined to his or her room for 24 hours or more shall be interviewed daily by his or her counselor or any other staff member approved by the Chief Administrative Officer.
- b) Committed persons may not exceed consecutive days of 15 days in any 30 day period except in the case of a committed person who is being placed in another person, assault or attempted assault of a person, or damage or attempted damage of property. Under such circumstances, an additional

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(Source: Amended at 21 Ill. Reg. _____, effective _____)

- c) Medical staff and the shift supervisor shall be notified of all confinement placements. Any medical complaint registered by the committed person while in confinement shall be reported immediately to the medical staff, if on duty, or to the shift supervisor who shall contact a member of the medical staff immediately.
- d) Visual checks shall be made of all committed persons in confinement no less than every 15 minutes and shall be documented.
- e) Use of physical restraints on committed persons in confinement must comply with 20 Ill. Adm. Code 501-Subpart B.
- f) Committed persons in confinement shall be provided time outside the room for daily showers, personal grooming, and recreation.
- 1) Persons confined for more than 24 hours shall be provided a minimum of 24 hours outside the room for every 24-hour period, whenever possible.
- 2) Time outside a confinement room may be restricted on orders of the Chief Administrative Officer when release of the committed person poses a threat to the safety of the individual himself or others or to the security of the facility.
- g) Committed persons in confinement shall be permitted to have family, attorney, and clergy visits. Family and clergy visits may be restricted by order of the Chief Administrative Officer when the committed person poses a threat to the physical safety of the individual himself or others or to the security of the facility.
- h) Reading materials shall be provided to the committed person for use in the room provided they are not abused. Committed persons shall be provided access to writing materials daily, outside the room. Any reading material or writing materials must be documented on a disciplinary report and result in temporary restriction except for communication to counsel or the court.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART F: GRIEVANCE PROCEDURES FOR COMMITTED PERSONS

Section 504.800 Applicability

This Subpart applies to committed persons assigned to correctional facilities within the Adult, Juvenile, and Community Services Divisions of the Department of Corrections.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 504.805 Responsibilities

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- a) Unless otherwise specified, the Director or Chief Administrative Officer may delegate responsibilities stated in this Subpart to any other person. Persons designated another person or persons to perform the duties specified designate another person or persons to perform the duties specified.
- b) No other individual may routinely perform duties whenever a Section in this Subpart specifically states the Director or Chief Administrative Officer shall personally perform the duties. However, the Director or Chief Administrative Officer may designate another person or persons to perform the duties during periods of his or her temporary absence or in an emergency.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 504.910 Filing of Grievances

- a) A committed person shall first attempt to resolve incidents, problems, complaints, or other than complaints concerning disciplinary proceedings through the grievance procedure informally or if the complainant is unable to resolve the complaint informally or if the complainant concerns a disciplinary proceeding, the individual may file a written grievance on a grievance form which shall be made available in all living units. A grievance shall be filed within six months after the discovery of the incident, occurrence, or problem which gives rise to the grievance or within six months of the receipt of a decision concerning an informal resolution thereof. However, if a committed person can demonstrate that a grievance was not timely filed for good cause, the grievance shall be considered. The grievance procedure shall not be utilized for complaints regarding decisions which are outside the authority of the Department such as parole decisions, clemency, or orders regarding length of sentence or decisions which have been rendered by the Director.
- b) Grievances shall be addressed to the Grievance Officer and shall be deposited in the living unit mailbox or other designated repository.
- c) Staff assistance shall be available for those committed persons who cannot prepare their grievances unaided as determined by institutional staff.

1) All committed persons shall be entitled to file grievances ~~in~~ the ~~grievance~~ procedure regardless of their disciplinary status or classification.

2) Each facility shall take reasonable steps to ensure that the grievance procedure is accessible to committed persons who are impaired, or disabled, or unable to communicate in the English language.

- d) Committed persons shall be informed of the grievance procedure at the admitting facility and may request further information regarding the procedure from their counselors.

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- 1) The written procedure shall be available to all committed persons.
- 2) A committed person unable to speak or read the English language may request that the procedure be explained in the individual's his own language.
- e) Disciplinary action or reprisals may not be taken against a committed person solely for using the grievance procedure. A committed person may submit a grievance alleging that a reprisal has been made against him or her.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 504.920 Grievance Officer

- a) The Chief Administrative Officer shall appoint two or more employees who may serve as a Grievance Officer to attempt to resolve problems, complaints, and grievances through the grievance procedure. Committed persons have been unable to resolve their grievances through the grievance procedure.
- b) No person who is directly involved in the subject matter of the grievance or who was a member of the Adjustment Committee that which heard a disciplinary report concerning the grievance, or ~~who~~ otherwise not impartial may serve as the Grievance Officer reviewing that particular case.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 504.930 Grievance Procedures

- a) A Grievance Officer shall review grievances at least weekly, whenever possible, provided the complaint or grievance has been filed.
- b) Grievances shall be reviewed and the Grievance Officer shall submit a copy of any grievance alleging discrimination based on disability to the facility ADA Coordinator. The facility ADA Coordinator shall conduct such investigation as deemed appropriate and make written recommendations to the Chief Administrative Officer for resolution of the grievance.
- c) A committed person may be afforded an opportunity to appear before the Grievance Officer. The Officer may call witnesses as ~~deemed~~ needed as appropriate.
- d) The Grievance Officer shall consider the grievance and report his or her findings and recommendations in writing to the Chief Administrative Officer within 30 working days after the grievance is received by the Officer, whenever possible. The Chief Administrative Officer shall advise the committed person of the decision in writing within 15 working days after receiving the Officer's report, whenever possible.

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(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 504.840 Emergency Procedures

A committed person may request a grievance be handled on an emergency basis by forwarding the forward-a grievance directly to the Chief Administrative Officer.

- If the Chief Administrative Officer determines that there is a substantial risk of imminent personal injury or other serious or irreparable harm to the committed person, the grievance shall be handled on an emergency basis.
- The Chief Administrative Officer shall respond to the committed person within three days of receipt of the grievance, whenever possible, indicating what action shall be or has been taken.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 504.850 Appeals

- If, after receiving the response of the Chief Administrative Officer, the committed person still feels that the problem, complaint or grievance has not been resolved to his satisfaction, he shall appeal in writing to the Director within 30 days of receipt of the response. Copies of the Grievance Officer's report and the Chief Administrative Officer's decision should be attached.
- The Director shall review the grievance and the responses of the Grievance Officer and Chief Administrative Officer and shall determine whether the grievance requires a hearing before the Administrative Review Board. If it is determined that the grievance is without merit or can be resolved without a hearing, the committed person shall be advised of this disposition, in writing, within 60 30-working days after receipt of the grievance, whenever possible.
- A two-member Administrative Review Board shall be appointed by the Director. At least one member of the Board shall be an individual not employed by the Department, whenever possible. The Department one member shall be designated as Chairperson chairman.
- The Administrative Review Board shall meet as frequently as necessary and may conduct its own investigations. The Board may call witnesses and examine records at its own discretion.
- The Administrative Review Board shall submit to the Director a written report of its findings and recommendations within 60 30-working days after receipt of the grievance, whenever possible.
- The Director shall review the findings and recommendations of the Board and make a final determination of the grievance within 15 40 working days after receipt of the Board's report, whenever possible. The committed person shall be sent a copy of the Director's

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- In those instances where a committed person is appealing a grievance determined by the Chief Administrative Officer to be of an emergency nature, the Administrative Review Board shall submit its recommendation within 21 days after receipt of the grievance, whenever possible.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 504.860 Records

- Records regarding the filing and disposition of grievances shall be collected and maintained in the committed person's master file by the institution for at least three years following final disposition of the grievance.

by Records regarding the participation of a committed person during the grievance process shall be handled in a manner designed to protect confidentiality as determined by the Chief Administrative Officer.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 504.870 Direct Review by Administrative Review Board

- Committed persons shall submit grievances directly to the Administrative Review Board when receiving:
 - Decisions regarding protective custody placement, including continued placement in or release from protective custody.
 - Decisions regarding disciplinary proceedings which were made at a facility other than the facility where the committed person is currently assigned.
 - Other issues except personal property issues which pertain to a facility other than the facility where the committed person is currently assigned.
 - The Administrative Review Board shall submit its recommendation within 21 days after receipt of the grievance, whenever possible.
- A committed person who is appealing a grievance determined by the Administrative Review Board shall submit his grievance to protective custody placement shall submit his grievance to the Administrative Review Board. The Administrative Review Board shall submit its recommendation within 21 days of receipt of the grievance, whenever possible.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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Section 504.910 Responsibilities

- a) Unless otherwise specified, the Director or Parole Supervisor may delegate responsibilities stated in this Subpart to another person or persons or designate another person or persons to perform the duties specified.
- b) No other individual may routinely perform duties whenever a Section in this Subpart specifically states the Director or Parole Supervisor shall personally perform the duties. However, the Director or Parole Supervisor may designate another person or persons to perform the duties during periods of his or her temporary absence or in an emergency.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 504.920 Filing of Grievances

Releasees who have been unable to resolve complaints or problems through parole staff or through the Office of Advocacy Services may file a written grievance with the Parole Supervisor. A grievance shall be filed within six months of the discovery of the incident, occurrence, or problem which gives rise to the grievance or within six months of the receipt of an unsuccessful attempt to resolve the issue. However, if a committed person can demonstrate that a grievance was not timely filed for good cause, the grievance shall be considered. Complaints or problems regarding the revocation of release status, eligibility, or orders regarding the length of sentence or decisions that have been rendered by the Director are not reviewable under this procedure.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 504.930 Review of Grievances

- a) The Parole Supervisor shall promptly submit a copy of any grievance alleging discrimination based on disability to the facility ADA Coordinator. The facility ADA Coordinator shall conduct such investigation as deemed appropriate and make written recommendations to the Parole Supervisor for resolution of the grievance.
- b) The Parole Supervisor shall interview the releasee and shall evaluate and respond to the grievance in writing within 30 working days after receipt, whenever possible. Copies of the grievance and response shall be retained in the releasee's case file.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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Section 504. TABLE A Offenses and Maximum Penalties -- Adult Division

OFFENSE	MAXIMUM PENALTIES				
	Loss of Privileges	Maximum Fine in B or C Grade	Maximum Good Time	Maximum Revocation	Segregation
100. VIOLATION ASSAULT OF ANY PERSON	1 year	1 year	1 year	1 year	Indeterminate
Definition: Causing a person or an object to come into contact with another person in a deadly manner or in a manner which results in or is likely to result in serious bodily injury.					
101. ARSON	1 year	1 year	1 year	1 year	1 year
Definition: Setting fire in any location whether public or private, including but not limited to any part of the institution, its grounds, or State vehicles.					
102. ASSAULTING ANY PERSON	1 year	1 year	1 year	1 year	1 year
Definition: Causing a person or an object to come into contact with another person in an offensive, provocative, or injurious manner or fighting with a weapon.					
103. BATTERY & EXTORTION	1 year	1 year	1 year	1 year	1 year
Definition: Demanding or receiving anything of value in exchange for protection, to avoid bodily injury, or through duress or pressure. Giving or receiving money or anything of value to violate State or Federal law or to commit any act prohibited under this regulation.					
104. DANGEROUS CONTRABAND	1 year	1 year	1 year	1 year	1 year
Definition: Possessing, manufacturing, introducing, selling, supplying to others, or using without authorization any explosive, acid, caustic material for incendiary devices, ammunition, dangerous chemical, escape material, knife, sharpened instrument, gun, tool, razor, or any other dangerous, bladed, or cutting object, tool, or device which may be used to defeat security measures, such as hacksaw blades, keys, and lock picks, any other dangerous or deadly weapon or substance of like					

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OFFENSE

MAXIMUM PENALTIES

Loss of Privileges	B or C Grade	Maximum Fine-in	Maximum Segregation
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character, or any object of instrument which is made to appear to be of could be used as a deadly or dangerous weapon or substance.

105. DANGEROUS

1 year	1 year	1 year	1 year
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Definition: Causing, directing, or participating in any action which may seriously disrupt or endanger the institution, persons, or property, including the taking or holding of hostages by force or threat of force.

106. ESCAPE

1 year	1 year	1 year	1 year
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Definition: Leaving or failing to return to lawful custody without authorization, including the failure to return from furlough within two hours of the designated time.

107. SEXUAL MISCONDUCT

1 year	1 year	1 year	1 year
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Definition: Engaging in sexual intercourse, deviate sexual conduct, or seducing, fondling, or touching done to sexually arouse, intimidate, or harass either or both persons; or engaging in any of these activities with an animal.

108. SEXUAL ASSAULT

1 year	1 year	1 year	Indeterminate
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Definition: Causing unwilling contact between the sex of an of one person and the sex of an, mouth, or anus of another person or any intrusion of any part of the body of one person or object into the sex of an or anus of another person by use of force or threat of force, including pressure, threats, or any other actions or communications by one or more persons to force another person to engage in a partial or complete sexual act.

109. ELECTRONIC CONTRABAND

1 year	1 year	1 year	1 year
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OFFENSE

MAXIMUM PENALTIES

Loss of Privileges	B or C Grade	Maximum Fine-in	Maximum Segregation
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Definition: Possessing, selling, receiving, supplying to others, or using without authorization any electronic, video recording device, computer, or cellular communications equipment, including but not limited to cellular telephones, cellular telephone batteries, pagers, computers, and computer peripheral equipment.

201.

CONCEALMENT OF IDENTITY

6 months	6 months	6 months	6 months
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Definition: Wearing a disguise or a mask, impersonating another, or otherwise concealing one's identity.

202.

DAMAGE OR MISUSE OF PROPERTY

6 months	6 months	6 months	6 months
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Definition: Destroying, damaging, removing, altering, tampering with, or otherwise misusing State property belonging to the State, or property of another person, or entity, including the obstruction of locks or security devices, destroying or tampering with bar codes or identification cards, or the use of another person's identification card.

203.

DRUGS AND DRUG PARAPHERNALIA

6 months	6 months	6 months	6 months
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Definition: Possessing, manufacturing, introducing, selling, supplying to others, or receiving alcohol, any intoxicant, inhalant, narcotic, syringe, needle, controlled substance, or marijuana; or being under the influence of any of the above substances; or refusing to be tested for drug or alcohol use, including failure to provide a specimen within two hours of destroying or tampering with drug or alcohol tests or testing equipment. This section includes medication misuse, for example, e.g., the possession or use of unauthorized amounts of prescribed medication, or selling or supplying prescribed medication to others.

204.

FORGERY

4 months	4 months	4 months	4 months
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OFFENSE

MAXIMUM PENALTIES

Loss of Privileges	Maximum time-in Prison B or C Grade	Good Time	Maximum time-in Segregation
1 year	1 year 6 months	1 year 6 months	1 year 6 months

Definition: Forging, counterfeiting, or reproducing without authorization any document, article of identification, money, security, or official paper.

205. GANG OR UNAUTHORIZED ORGANIZATIONAL ACTIVITY

Definition: Engaging, or pressuring, or authorizing others to engage in gang or unauthorized organizational activities, or meetings, or criminal acts; displaying, wearing, possessing, or using gang or unauthorized organizational insignia or materials; or giving gang or unauthorized organizational signs. Unauthorized organizational activity shall include engaging in the above activities by or on behalf of an organization which has not been approved pursuant to 20 Ill. Adm. Code 445 or 450.

206. INTIMIDATION OR THREATS

5 months	6 months	6 months	6 months
5 months	6 months	6 months	6 months

Definition: Expressing by words, actions, or other behavior an intent to injure any person or property which creates the reasonable belief that physical, monetary, or economic harm to that person or to another will result.

207. POSSESSION OF MONEY

6 months	6 months	6 months	6 months
6 months	6 months	6 months	6 months

Definition: Possessing or causing to be brought into the institution, any United-States coin, or currency, or other negotiable instrument.

208. DANGEROUS COMMUNICATIONS

6 months	6 months	6 months	6 months
6 months	6 months	6 months	6 months

Definition: Engaging in verbal or written communication that is likely to encourage, violence, or other acts likely to endanger the safety and security of the facility, including but not limited to escape plans and manufacture of weapons.

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OFFENSE

MAXIMUM PENALTIES

Loss of Privileges	Maximum time-in Prison B or C Grade	Good Time	Maximum time-in Segregation
6 months	6 months	6 months	6 months

209. DANGEROUS WRITTEN MATERIAL

Definition: Possessing or causing to be brought into the facility written material which presents a serious threat to the safety and security of persons or the facility, including but not limited to written material relating to methods of escape and the manufacture of weapons.

210. IMPAIRMENT OF SURVEILLANCE

Definition: Using curtains, cell coverings, or any other matter or object in a manner that obstructs or otherwise impairs the line of vision into a committed person's cell or which obstructs or otherwise impairs any viewing panel or surveillance equipment, both audio and visual, within the facility.

301. FIGHTING

1 month	1 month	1 month	1 month
1 month	1 month	1 month	1 month

Definition: Fighting unauthorized--fighting with another consenting person which is not likely to cause serious bodily injury to one or the other, and which does not involve the use of a weapon.

302. GAMBLING

2 months	2 months	1 month	1 month
2 months	2 months	1 month	1 month

Definition: Operating or playing a game of chance or skill for anything of value, making a bet upon the outcome of any event, or possessing any gambling device. This shall include participating in any lottery.

303. GIVING FALSE INFORMATION TO AN EMPLOYEE

3 months	3 months	2 months	2 months
3 months	3 months	2 months	2 months

Definition: Lying or knowingly providing false information to an employee.

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OFFENSE

MAXIMUM PENALTIES

Loss of Privileges	Maximum Fine-in B or C Grade	Maximum Fine-in Segregation
3 months	3 months	1 month
6 months	6 months	15-days

304. INSOLENCE

Definition: Talking, touching, gesturing or other behavior which harasses, annoys or shows disrespect.

305. THEFT

3 months	3 months	3 months
6 months	6 months	1-month

Definition: Taking property belonging to another person or entity or the institution without the owner's authorization.

306. TRANSFER OF FUNDS

3 months	3 months	2 months
3 months	3 months	1-month

Definition: Causing money to be transferred from one trust fund to another or through an outside source to the account of another committed person inmate.

307. UNAUTHORIZED MOVEMENT

2 months	2 months	2 months
2 months	2 months	15-days

Definition: Being anywhere without authorization or being absent from where required to be.

308. CONTRABAND/UNAUTHORIZED PROPERTY

3 months	3 months	3 months
3 months	3 months	1-month

Definition: Possessing, giving, loaning, receiving, or using property which a committed person inmate has no authorization to have or to receive and which was not issued to the individual inmate through regular procedures, including the unauthorized possession of food or clothing or the possession of property in excess of that which is authorized by the institution, or property which has been altered from its original state.

309. PRIVILEGES POSTING AND

6 months	6 months	3 months
6 months	6 months	3 months

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OFFENSE

MAXIMUM PENALTIES

Loss of Privileges	Maximum Fine-in B or C Grade	Maximum Fine-in Segregation
3 months	3 months	3 months
6 months	6 months	15-days

BUSINESS VENTURES

Definition: Writing, signing, or circulating a petition without authorization; unauthorized distributing or posting of any printed or written materials, including surveys, or engaging in an unauthorized business venture; or representing oneself as a corporation or official of a corporation without authorization.

401. ABUSE OF PRIVILEGES

3 months	3 months	3 months
3 months	3 months	15-days

Definition: Violating any rule regarding visits, mail, the library, yard, commissary, telephone, or recreational activities. This includes corresponding or communicating with a victim, a victim's family member, or other person after the committed person has received notice that such person has informed the Department that he or she does not wish to receive correspondence from the committed person. However, if the conduct also constitutes a violation of criminal-offense-under federal or State law, a committed person may also be charged under #501.

402. FAILURE TO SUBMIT TO MEDICAL OR FORENSIC TESTS

3 months	3 months	3 months
3 months	3 months	3 months

Definition: Willfully refusing to submit to, or cooperate with, testing examinations, or the provision of samples required by court order, State law, or current standards of public health and safety, including the refusal to submit to annual tuberculosis screening and mandatory HIV or DNA testing.

403. SMOKING, OR SAFETY VIOLATIONS

3 months	3 months	3 months
3 months	3 months	15-days

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OFFENSE

MAXIMUM PENALTIES

Loss of Privileges	B or C Grade	Maximum Fine-in Good Time	Maximum Fine-in Segregation
3 months	3 months	3 months	15 days

Definition: Smoking in an unauthorized area; tattooing or body-piercing or nose piercing, including, but not limited to, piercing of the ear, nose, or lip; or disregarding basic hygiene of person, cell, living or work area, or other place in the facility or its grounds.

403. DISOBEYING A DIRECT ORDER

Loss of Privileges	B or C Grade	Maximum Fine-in Good Time	Maximum Fine-in Segregation
3 months	3 months	3 months	15 days

Definition: Willfully refusing to comply with an order, including the refusal to participate in educational testing or testing-for-drug abuse; to accept a work, educational, or housing assignment; or to perform a work assignment.

404. VIOLATION OF RULES

Loss of Privileges	B or C Grade	Maximum Fine-in Good Time	Maximum Fine-in Segregation
1 month	1 month	1 month	1 month

Definition: Willfully disobeying any rule of the facility. If the specific offense is stated elsewhere in this Part, a committed person may not be charged with this offense. The rule violated must be specified in the disciplinary report.

405. FAILURE TO REPORT

Loss of Privileges	B or C Grade	Maximum Fine-in Good Time	Maximum Fine-in Segregation
1 month	1 month	1 month	1 month

Definition: Failure to report for a work, educational, or program assignment.

406. TRADING OR TRAFFICKING

Loss of Privileges	B or C Grade	Maximum Fine-in Good Time	Maximum Fine-in Segregation
2 months	2 months	1 month	1 month

Definition: Trading or trafficking with any employee--visitor--or committed person.

501. VIOLATING STATE OR FEDERAL LAWS

Loss of Privileges	B or C Grade	Maximum Fine-in Good Time	Maximum Fine-in Segregation
1 year	1 year	1 year	1 year

Definition: Committing any act which would constitute a violation of State or Federal law. If the specific offense is stated elsewhere in this Part, a committed person may not be charged with this offense. The State or Federal offense must be specified in the disciplinary

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OFFENSE

MAXIMUM PENALTIES

Loss of Privileges	B or C Grade	Maximum Fine-in Good Time	Maximum Fine-in Segregation
3 months	3 months	3 months	15 days

report.

601. AIDING AND ABETTING, ATTEMPT, OR CONSPIRACY

Definition: Aiding and abetting any person in the commission of any of these offenses; attempting to commit any of these offenses; making plans to commit any of these offenses; soliciting another to commit any of these offenses; or conspiring to commit any of these offenses shall be considered the same as the commission of the offense itself and shall carry the penalty prescribed for the underlying offense.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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Section 504.TABLE B Offenses and Maximum Penalties -- Juvenile Division

OFFENSE

MAXIMUM PENALTIES

Maximum Time Loss of Privileges	Maximum Time Confinement	Maximum Delay in Recommended Parole to PRB
1 year	1 month	1 year

100. VIOLENT ASSAULT
OF ANY PERSON

Definition: Causing a person or an object to come into contact with another person in a deadly manner or in a manner which results in or is likely to result in serious bodily injury.

101. ARSON

Definition: Setting fire in any location whether public or private, including but not limited to any part of the institution, its grounds, or State vehicles.

102. ASSAULTING
ANY PERSON

Definition: Causing a person or an object to come into contact with another person in an offensive, provocative, or injurious manner or fighting with a weapon.

103. BRIBERY &
EXTORTION

Definition: Demanding or receiving anything of value in exchange for protection, to avoid bodily injury, or through duress or pressure. Giving or receiving money or anything of value to violate State or Federal law or to commit any act prohibited under this regulation.

104. DANGEROUS
CONTRABAND

Definition: Possessing, manufacturing, introducing, selling, supplying to others, or using without authorization any explosive, acid, caustic material for incendiary devices, ammunition, dangerous chemical, escape material, knife, sharpened instrument, gun, firearm, razor, glass, bludgeon, brass knuckles, or cutting tools which may be used to

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OFFENSE

MAXIMUM PENALTIES

Maximum Time Loss of Privileges	Maximum Time Confinement	Maximum Delay in Recommended Parole to PRB
6 months	1 month	1 year

105.

DANGEROUS
DISTURBANCES

Definition: Causing, directing, or participating in any action which may seriously disrupt or endanger the institution, persons, or property, including the taking or holding of hostages by force or threat of force.

106.

ESCAPE/
RUNAWAY

Definition: For escape of a felon or runaway of a juvenile delinquent, leaving or failing to return to lawful custody without authorization, including the failure to return from authorized absence within two hours of the designated time.

106.

ESCAPE/
RUNAWAY

Definition:

Ar For a felon--leaving or failing to return to lawful custody without authorization--including the failure to return from authorized absence within two hours of the designated time.

By For a juvenile--delinquency--leaving or failing to return to lawful custody without authorization--including the failure to return from authorized absence within two hours of the designated time.

107.

SEXUAL
MISCONDUCT

Definition: Possessing, manufacturing, introducing, selling, supplying to others, or using without authorization any explosive, acid, caustic material for incendiary devices, ammunition, dangerous chemical, escape material, knife, sharpened instrument, gun, firearm, razor, glass, bludgeon, brass knuckles, or cutting tools which may be used to

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

OFFENSE

MAXIMUM PENALTIES

Maximum Delay in Recommended Parole to PFB	Maximum Time in Confinement	Maximum Time in Loss of Privileges	Maximum Time in Good Time Revocation	Maximum Time in Parole to PFB
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108. SEXUAL ASSAULT
Definition: Engaging in sexual intercourse, deviate sexual conduct, or gesturing, fondling, or touching done to sexually arouse, intimidate, or harass either or both persons; or engaging in any of these activities with an animal.

1 year	1 month	1 year	1 year	1 year
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Definition: Causing unlawful contact between the sex organ of one person and the sex organ of another person, or the sex organ of one person and any part of the body of another person or object in the sex organ or anus of another person by use of force or threat of force, including pressure, threats, or any other actions or communications by one or more persons to force another person to engage in a partial or complete sexual act.

**109. ELECTRONIC
CONTRABAND**

6 months	1 month	1 year	1 year	1 year
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Definition: Possessing, selling, receiving, supplying to others, or using without authorization any electronic, video recording device, computer, or cellular communications equipment, including but not limited to cellular telephones, cellular telephone batteries, pagers, modems, and computer peripheral equipment.

**201. CONCEALMENT
OF IDENTITY**

6 months	1 month	1 month	1 month	1 month
5 days	5 days	15 days	15 days	15 days

Definition: Wearing a disguise or a mask, impersonating another, or otherwise concealing one's identity.

**202. DAMAGE OR
MISUSE OF
PROPERTY**

1 month	1 month	1 month	1 month	1 month
5 days	5 days	5 days	5 days	5 days

Definition: Destroying, damaging, removing, altering, tampering with, or otherwise misusing State property belonging to the State, or property of another person, or entity, including the obstruction of a security device, destruction or tampering with bar codes or identification cards, or using another person's identification card.

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

OFFENSE

MAXIMUM PENALTIES

Maximum Time in Confinement	Maximum Time in Loss of Privileges	Maximum Time in Good Time Revocation	Maximum Time in Parole to PFB	Maximum Delay in Recommended Parole to PFB
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**203. DRUGS AND
DRUG
PARAPHERNALIA**

2 months	1 month	3 months	3 months	3 months
5 days	5 days	5 days	5 days	5 days

Definition: Possessing, manufacturing, introducing, selling, supplying to others, or receiving alcohol, any intoxicant, inhalant, narcotic, syringe, needle, container, or any instrument; or being under the influence of any of the above substances; refusing to be tested for alcohol use, including failure to provide a specimen within two hours of destruction or tampering with drug or alcohol tests or testing equipment. This section includes medication misuse, e.g., the possession or use of unauthorized amounts of prescribed medication, or selling or supplying prescribed medication to others.

204. FORGERY

1 month	1 month	1 month	1 month	1 month
5 days	5 days	5 days	5 days	5 days

Definition: Forging, counterfeiting or reproducing without authorization any document, article of identification, money, or security, or official paper.

**205. GANG OR
GANG-RELATED
ORGANIZATIONAL
ACTIVITY**

2 months	1 month	6 months	6 months	6 months
5 days	5 days	5 days	5 days	5 days

Definition: Engaging, or pressuring or authorizing others to engage in gang or unauthorized organizational activities, or meetings, or criminal activity displaying, wearing, possessing or using gang or unauthorized organizational insignia or materials, or giving gang or unauthorized organizational signs. Unauthorized organizational activity shall include engaging in the above activities by or on behalf of an organization which has not been approved pursuant to 20 Ill. Adm. Code 445 and 450.

**206. INTIMIDATION
ON THREATS**

1 month	1 month	1 month	1 month	1 month
5 days	5 days	5 days	5 days	5 days

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

OFFENSE

MAXIMUM PENALTIES

Maximum Fine	Maximum Time in Confinement	Maximum Time Recommended Parole to PMB
4 months	1 month 5-days	1 month

207. POSSESSION OF MONEY

Definition: Expressing by words, actions, or other behavior an intent to injure any person or property which creates the reasonable belief that physical, monetary, or economic harm to that person or to another will result.

208. DANGEROUS COMMUNICATIONS

Definition: Possessing or causing to be brought into the institution, United States coin, or currency, or other a negotiable instrument.

209. DANGEROUS WRITTEN MATERIAL

Definition: Engaging in verbal or written communication that is likely to encourage violence against persons or that is likely to disrupt or endanger the safety and security of the facility, including but not limited to escape plans and manufacture of weapons.

210. IMPAIRMENT OF SURVEILLANCE

Definition: Possessing or causing to be brought into the facility any material which creates a serious threat to the safety and security of persons in the facility, including but not limited to written material relating to methods of escape and the manufacture of weapons.

211. FIGHTING

Definition: Using curtains, coverings, or any other matter or object in a manner that obstructs or otherwise impairs the line of vision into a committed person's room or which obstructs or otherwise impairs any viewing panel of surveillance equipment, both audio and visual, within the facility.

212. UNAUTHORIZED MOVEMENT

Definition: Causing money to be transferred from one trust fund to another or through an outside source to the account of another committed person inmate.

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

OFFENSE

MAXIMUM PENALTIES

Maximum Fine Loss of Privileges	Maximum Time in Confinement	Maximum Time Recommended Parole to PMB
5-days	1 month	1 month

302. GAMBLING

Definition: Operating or playing a game of chance or skill for anything of value, making a bet upon the outcome of any event, or possessing any gambling device. This shall include participating in any lottery.

303. GIVING FALSE INFORMATION TO AN EMPLOYEE

Definition: Lying or knowingly providing false information to an employee.

304. INSULTING

Definition: Talking, touching, gesturing, or other behavior which harasses, annoys, or shows disrespect.

305. THEFT

Definition: Taking property belonging to another person or entity or the institution without the owner's authorization.

306. TRANSFER OF FUNDS

Definition: Causing money to be transferred from one trust fund to another or through an outside source to the account of another committed person inmate.

307. UNAUTHORIZED MOVEMENT

Definition: Causing money to be transferred from one trust fund to another or through an outside source to the account of another committed person inmate.

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

OFFENSE

MAXIMUM PENALTIES

Maximum Fine	Maximum Time in Confinement	Maximum Good Time Revocation	Maximum Delay in Recommended Parole to PRB
2 months	53 days	2 months	2 months

Definition: Being anywhere without authorization, or being absent from where required to be.

308. CONTRABAND/
UNAUTHORIZED
PROPERTY

Definition: Possessing, giving, loaning, receiving or using property when limited to the amount that is to be received and the amount that was not issued to the individual through the procedures, including the unauthorized possession of food or clothing, or the possession of property in excess of that which is authorized by the institution, or property which has been altered from its original state.

309. AND
BUSINESS
VENTURES

2 months 0 days 0 days 2 months

Definition: Writing, signing or circulating a petition without authorization; unauthorized distribution or selling of any printed or written materials including a survey or engaging in an unauthorized business, or unauthorized conduct as a corporation or official of a corporation without authorization.

404. ABUSE OF
PRIVILEGES

2 months 3 days 0 days 2 months
1 month

Definition: Violating any rule regarding visits, mail, the library, yard, commissary, telephone, or recreational activities. This includes correspondence or communicating with a victim, a victim's family member, or other person after the committed person has received notice that such person has informed the Department that he or she does not wish to receive correspondence from the committed person. However, if the conduct also constitutes a violation of criminal offense under Federal or State law, a committed person may also be charged under §501.

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

OFFENSE

MAXIMUM PENALTIES

Maximum Fine	Maximum Time in Confinement	Maximum Good Time Revocation	Maximum Delay in Recommended Parole to PRB
2 months	3 days	0 days	2 months

311. FAILURE TO
SUBMIT TO
MEDICAL OR
POISONIC TESTS

Definition: Willfully refusing to submit to, or cooperate with, testing, examinations, or the provision of samples required by court order, State law, or current standards of public health and safety; and/or refusal to submit to annual tuberculosis screening and mandatory HIV or DNA testing.

402. HEALTH, OR
SAFETY VIOLATIONS

1 month 2 days 1 month 1 month

Definition: Smoking in an unauthorized area; tattooing of body, ear, or nose piercing including, but not limited to, piercing of the ear, nose, or lip; or disregarding basic hygiene of person, housing unit, work area, or other area in the facility or its grounds.

403. DISOBEYING
A DIRECT
ORDER

1 month 3 days 15 days 15 days

Definition: Willfully refusing to comply with an order, including the refusal to participate in educational testing; to accept a work, educational or housing assignment; or to perform a work assignment.

404. VIOLATION
OF RULES

1 month 2 days 0 days 1 month

Definition: Willfully disobeying any rule of the facility. If the specific offense is stated elsewhere in this Part, a committed person may not be charged with this offense. The rule violated must be specified on the disciplinary report.

405. FAILURE TO
REPORT

1 month 3 days 15 days 15 days

DEPARTMENT OF CORRECTIONS
NOTICE OF PROPOSED AMENDMENTS

OFFENSE

MAXIMUM PENALTIES

	Maximum time in Prison	Maximum time in Prison	Maximum time in Prison	Maximum time in Prison
406. TRADING OR TRAFFICKING	1 month	3 days	15 days	15 days
Definition: Failure to report to work, educational, or program assignment.				
406. TRADING OR TRAFFICKING	1 month	3 days	15 days	15 days
Definition: Trading or trafficking with any employee--visitor-or committed person.				

501. VIOLATING
STATE OR
FEDERAL LAWS

Definition: Committing any act which would constitute a violation of State or Federal law. If the specific offense is stated elsewhere in this Part, a committed person may not be charged with this offense. The State or Federal offense must be specified in the disciplinary report.

601. AIDING AND
ABETTING,
ATTEMPT,
SOLICITATION OR
CONSPIRACY

Definition: Aiding and abetting any person in the commission of any of these offenses; attempting to commit any of these offenses; making plans to commit any of these offenses; soliciting another to commit any of these offenses; or conspiring to commit any of these offenses shall be considered the same as the commission of the offense itself and shall carry the penalty prescribed for the underlying offense.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF CORRECTIONS
NOTICE OF PROPOSED AMENDMENTS

Section 504.TABLE C Offenses and Maximum Penalties --- Community Services
Division

OFFENSE

MAXIMUM PENALTIES

	Maximum time in Prison	Maximum time in Prison	Maximum time in Prison	Maximum time in Prison
100. VIOLENT ASSAULT OF ANY PERSON	1 year	1 year	Indeter- minate	1 year
Definition: Causing a person or an object to come into contact with another person in a deadly manner or in a manner that results in or is likely to result in serious bodily injury.				

101. ARSON

Definition: Setting fire in any location whether public or private, including but not limited to any part of the facility, its grounds, or any State vehicle.

102. ASSAULTING
ANY PERSON

Definition: Causing a person or an object to come into contact with another person in an offensive, provocative, or injurious manner or fighting with a weapon.

103. BATTERY &
BLACKMAIL

Definition: Demanding or receiving anything of value in exchange for protection, to avoid bodily injury, or through duress or pressure. Giving or receiving money or anything of value to violate State or Federal law or to commit any act prohibited under this regulation.

104. DANGEROUS
CONTRABAND

Definition: Possession, use, or distribution of dangerous or prohibited items.

DEPARTMENT OF CORRECTIONS
NOTICE OF PROPOSED AMENDMENTS
MAXIMUM PENALTIES

OFFENSE

Maximum time in-any Level	Maximum time in B or C Grade	Maximum time in-any Level
or	Maximum time in B or C Grade	Maximum time in-any Level
Privilege Segrega- tion	Revocation	Privilege Segrega- tion

Definition: Possessing, manufacturing, introducing, selling, supplying, or using without authorization any explosive, acid, caustic material, incendiary, or incendiary device, or any dangerous material, knife, sharpened instrument, or any other dangerous or deadly weapon or substance of like character, or any object of instrument which is made to appear to be or could be used as a deadly or dangerous weapon or substance.

105. DISTURBANCES

Definition: Causing, directing, or participating in any action which may seriously disrupt or endanger the institution, persons, or property, including the taking or holding of hostages by force or threat of force.

106. ESCAPE

Definition: Leaving or failing to return to lawful custody without authorization, including the failure to return from furlough or leave within two hours of the designated time.

107. SEXUAL MISCONDUCT

Definition: Engaging in sexual intercourse, deviate sexual conduct, or sexual fondling, or touching done to sexually arouse, intimidate, or harass either or both persons; or engaging in any of these activities with an animal.

108. SEXUAL ASSAULT

Definition: Engaging in sexual intercourse, deviate sexual conduct, or sexual fondling, or touching done to sexually arouse, intimidate, or harass either or both persons; or engaging in any of these activities with an animal.

DEPARTMENT OF CORRECTIONS
NOTICE OF PROPOSED AMENDMENTS
MAXIMUM PENALTIES

OFFENSE

Maximum time in-any Level	Maximum time in B or C Grade	Maximum time in-any Level
or	Maximum time in B or C Grade	Maximum time in-any Level
Privilege Segrega- tion	Revocation	Privilege Segrega- tion

Definition: Causing unwilling contact between the sex organ of one person and the sex organ, mouth, or breast of another person or any part of the sex of another person by use of force or threat of force, including pressure, threats, or any other actions or communications by one or more persons to force another person to engage in a partial or complete sexual act.

109. VIOLENCE

Definition: Taking property belonging to another person or entity or the facility without the owner's authorization.

109. ELECTRONIC CONTRABAND

Definition: Possessing, selling, receiving, supplying to others, or using without authorization any electronic, video, recording device, or any other electronic communications equipment, including but not limited to cellular telephones, cellular telephone batteries, pagers, computers, and computer peripheral equipment.

109. FORGERY

Definition: Forgery, counterfeiting, or reproducing without authorization any document, article, or identification money, security or official paper.

201. CONCEALMENT OF IDENTITY

Definition: Wearing a disguise or a mask, impersonating another or otherwise concealing one's identity.

202. DAMAGE OR MISUSE OF

Definition: Damaging or misusing any property of the institution.

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

OFFENSE MAXIMUM PENALTIES

OFFENSE	Maximum Time in B or C Grade	Maximum Time in B or C Grade	Maximum Time in-any Level	Maximum Time in-any Level
PROPERTY				

PROPERTY

Definition: Destroying, damaging, removing, altering, tampering with, or otherwise misusing State property belonging to the State, or property of another person, or entity, including the obstruction of locks or security devices, destruction or tampering with bar codes or identification cards, or using another person's identification card.

203. DRUGS AND

PARAPHERNALIA

Definition: Possessing, manufacturing, introducing, selling, supplying to others, or receiving alcohol, any intoxicant, inhalant, narcotic, syringe, needle, controlled substance or marijuana or being under the influence of any of these substances, or knowingly providing, for sale, drug or alcohol use, including failure to provide assistance within two hours; or destroying or tampering with drug or alcohol tests or testing equipment. This section includes medication misuse, for example, error the possession or use of unauthorized amounts of prescribed medication, or selling or supplying prescribed medication to others.

204.

FORGERY

Definition: Forging, counterfeiting, or reproducing without authorization any document, article of identification, money, security, or official paper.

205.

GANG OR
UNAUTHORIZED
COMMUNAL
ACTIVITY

Definition: Engaging, or pressuring, or authorizing others to engage in gang or unauthorized organizational activities, or meetings, or criminal acts; displaying, wearing, possessing,

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

OFFENSE MAXIMUM PENALTIES

OFFENSE	Maximum Time in B or C Grade	Maximum Time in-any Level	Maximum Time in-any Level	Maximum Time in-any Level
206.				

unauthorized organizational insignia or materials or giving gang or unauthorized organizational signs. Unauthorized organizational activity shall include engaging in the above activities by or on behalf of an organization which has not been approved pursuant to 20 Ill. Adm. Code 445 or 430.

206.

INTimidATION
OR THREATS

Definition: Expressing by words, actions, or other behavior an intent to injure any person or property which creates the reasonable belief that physical, monetary, or economic harm to that person or to another will result.

207.

POSSESSION
OF MONEY

Definition: Possessing or causing to be brought into the facility, any coin or currency or other negotiable instrument without authorization, or failure to promptly submit entire income to Center staff including wages, tips, gifts, or any check for social security, disability veteran's benefits, grants, scholarships, or loans.

207.

UNAPPROVED
MOVEMENT OR
ABSENCE

Definition: Being anywhere without authorization or being absent from where required to be outside the facility or returning late or not traveling directly to/from any authorized destination without prior approval.

208.

DANGEROUS
COMMUNICATIONS

Definition: Engaging, or pressuring, or authorizing others to engage in gang or unauthorized organizational activities, or meetings, or criminal acts; displaying, wearing, possessing,

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

OFFENSE MAXIMUM PENALTIES

Maximum time in any Level	Maximum time in B or C Grade	Maximum time in any Level	Maximum time in any Level
or	or	or	or
Maximum time in Privilege Segrega- tion	Maximum time in Good Time Revocation	Maximum time in Privilege Segrega- tion	Maximum time in Good Time Revocation

Definition: Enabling in verbal or written communication that is likely to encourage violence against persons or that is likely to disrupt or endanger the safety and security of the facility, including but not limited to escape plans and manufacture of weapons.

209. DANGEROUS WRITTEN MATERIAL 6 months 6 months 6 months 6 months

Definition: Possessing or causing to be brought into the facility written material which presents a serious threat to the safety and security of persons or the facility, including but not limited to written material relating to methods of escape and the manufacture of weapons.

210. IMPAIRMENT OF SURVEILLANCE 6 months 6 months 6 months 6 months
Definition: Using curtains, coverings, or any other matter or object in an unauthorized manner that obstructs or otherwise impairs the line of vision into a committed person's room or which obstructs or otherwise impairs any viewing panel or surveillance equipment, both audio and visual, within the facility.

301. FIGHTING 1 month 1 month 1 month 2 months
1-month
end-15-days
end-15-days

Definition: Fighting coming into contact with another consenting person which is not likely to cause serious bodily injury to one or the other and which does not involve the use of a weapon.

302. GAMBLING 2 months 15 days 1 month 2 months
1-month
end-15-days
end-15-days

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

OFFENSE MAXIMUM PENALTIES

Maximum time in any Level	Maximum time in B or C Grade	Maximum time in any Level	Maximum time in any Level
or	or	or	or
Maximum time in Privilege Segrega- tion	Maximum time in Good Time Revocation	Maximum time in Privilege Segrega- tion	Maximum time in Good Time Revocation

Definition: Operating or playing a game of chance or skill for anything of value, making a bet upon the outcome of any event, or possessing any gambling device. This shall include participation in any lottery.

303. GIVING FALSE INFORMATION TO AN EMPLOYEE 3 months 3 months 3 months 3 months
30-days
15-days
end-15-days

Definition: Lying or knowingly providing false information to an employee.

304. INSULTANCE 3 months 1 month 1 month 2 months
1-month
15-days
end-15-days

Definition: Talking, touching, gesturing, or other behavior which harasses, annoys, or shows disrespect.

305. THEFT 6 months 1 year 2 months 2 months
Definition: Taking property belonging to another person or entity or the facility without the owner's authorization.

306. TRANSFER OF FUNDS 3 months 1 month 10 days 2 months
1-month
end-15-days
end-15-days

Definition: Causing money to be transferred from one trust fund to another or through an outside source to the account of another committed person, or entering into contracts of and/or credit agreements without written approval from the Center Supervisor.

307. UNAUTHORIZED ABSENCE OR ABSENCE 2 months 6 months 2 months 2 months
1-month
end-15-days
end-15-days

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

OFFENSE MAXIMUM PENALTIES

Maximum Time in-any Level	Maximum Time in B or C Grade	Maximum Time in B or C Grade	Maximum Time in-any Level
Maximum Time in-any Level	Maximum Time in B or C Grade	Maximum Time in B or C Grade	Maximum Time in-any Level

Definition: Being anywhere without authorization, or being absent from where required to be outside the facility, or returning late, or not traveling directly to or from any authorized destination without prior approval.

Definition: Possessing or causing to be brought into the facility United States coin or currency or a negotiable instrument without authorization or failure to promptly submit entire income to center staff including wages tips gifts or any check for social security disability veteran's benefits grants scholarships or loans.

CONTRABAND/
UNAUTHORIZED
PROPERTY

3 months	1 month	2 months	2 months	1 month	and 15 days
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Definition: Possessing, giving, loaning, receiving, or using property which a committed person has no authorization to have or to receive, including the unauthorized possession of food or clothing or the possession of property in excess of that which is authorized by the facility of property which has been altered from its original state.

PETITIONS AND
BUSINESS
VENTURES

3 months	3 months	2 months	2 months	1 month	and 15 days
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Definition: Writing, signing, or circulating a petition without authorization, or distributing or posting of and requesting written materials including surveys or petitions in the name of a business venture or representing oneself as a corporation or official of a corporation without authorization.

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

OFFENSE MAXIMUM PENALTIES

Maximum Time in B or C Grade	Maximum Time in B or C Grade	Maximum Time in B or C Grade	Maximum Time in-any Level
Maximum Time in B or C Grade	Maximum Time in B or C Grade	Maximum Time in B or C Grade	Maximum Time in-any Level

Definition: Violating any rule regarding visits, mail, telephone, or other recreational activities. This includes corresponding or communicating with a visitor, a victim's family member, or other persons after the committed person has received notice that such person has informed the Department that he or she does not wish to receive correspondence from the committed person. However, if the conduct also constitutes a violation of criminal offense under Federal or State law, a committed person may also be charged under #501.

Definition: Willfully refusing to submit to, or cooperate with, testing, examinations, or the provision of samples required by court order, State law, or current standards of public health and safety, including the refusal to submit to annual tuberculosis screening and mandatory HIV or DNA testing.

Definition: Smoking in an unauthorized area; tattooing or body pierce-

Definition: Smoking in an unauthorized area; tattooing or body pierce-

Definition: Smoking in an unauthorized area; tattooing or body pierce-

Definition: Smoking in an unauthorized area; tattooing or body pierce-

Definition: Smoking in an unauthorized area; tattooing or body pierce-

Definition: Smoking in an unauthorized area; tattooing or body pierce-

Definition: Smoking in an unauthorized area; tattooing or body pierce-

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

MAXIMUM PENALTIES

OFFENSE

Maximum fine in-any Level	Maximum fine-in Segrega- tion	Maximum Good Time Revocation Grade	Maximum fine in B or C Grade	Maximum fine and/or Privilege Restric- tions
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Definition: Willfully refusing to comply with an order, including the refusal to participate in educational testing or testing for alcohol or drug abuse; to accept a work, educational, or housing assignment; to perform a work assignment; or negligence of assignment.

404. VIOLATION

OF POWERS RULES

1 month	1 month	1 month	1 month	1 month
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Definition: Willfully disobeying any posted rule of the facility. If a specific offense is stated elsewhere in this Part, a committed person may not be charged with this offense. The rule violated must be specified in the disciplinary report.

405. FAILURE TO

REPORT

1 month	1 month	1 month	1 month	1 month
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Definition: Failure to report for an employment, educational, or program assignment or for transportation without proper excuse.

406. TRADING OR

TRAFFICKING

2 months	1 month	1 month	1 month	1 month
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Definition: Trading or trafficking with any employee--visitor or committed person.

501. VIOLATING

STATE OR

FEDERAL LAWS

1 year	1 year	1 year	1 year	1 year
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Definition: Committing any act which would constitute a violation of State or federal law. If specific offenses are listed elsewhere in this Part, a committed person may not be charged with this offense. The State or federal offense must be specified in the disciplinary report.

601. AIDING AND ABETTING

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

MAXIMUM PENALTIES

OFFENSE

Maximum fine in-any Level	Maximum fine in B or C Grade	Maximum Good Time Revocation Grade	Maximum fine and/or Privilege Segrega- tion
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OR ATTEMPT,
SOLICITATION,
OR CONSPIRACY

Definition: Aiding and abetting any person in the commission of any of these offenses; attempting to commit any of these offenses; making plans to commit any of these offenses; soliciting another to commit any of these offenses; or conspiring to commit any of these offenses shall be considered the same as the commission of the offense itself and shall carry the penalty prescribed for the underlying offense.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: Data Collection

2) Code Citation: 77 Ill. Adm. Code 2510

3) Section Numbers: 2510.70
Proposed Action: Amendment

4) Statutory Authority: Section 4-4 of Article IV and authorized by Section 2-3 of Article II of the Illinois Health Finance Reform Act [20 ILCS 2215/4-4 and 2-3].

5) A Complete Description of the Subjects and Issues Involved: This rulemaking amends the pricing structure used for determining the price that requesting entities will be charged for data products, resale of purchased data products and special requests. It will cover, at a minimum, the direct and indirect costs of acquiring information and of developing product reports or special analyses.

6) Will this Proposed rule replace an emergency rule currently in effect?
Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this amendment contain an incorporation by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking will not affect units of local government.

11) Time, Place and Manner in which Interested Persons may Comment on this Rulemaking: Comments may be submitted in writing within 45 days after this issue of the Illinois Register to:

Norman Roughley
Supervisor, Health Care Industry Relations
Information Services Division
Illinois Health Care Cost Containment Council
4500 South Sixth Street Road, Suite 215
Springfield, IL 62703-5118
217/786-7001, extension 108

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Hospitals

B) Reporting, bookkeeping or other procedures required for compliance:

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENT(S)

None

C) Types of Professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1997

The full text of the Proposed Amendments is the same as the Emergency Amendments appearing in this issue of the Register on page:

12361

HUMAN RIGHTS COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Procedural Rules
- 2) Code Citation: 56 Ill. Adm. Code 5300
- 3) Section Numbers: Proposed Action:
5300.730 Amend
5300.750 Amend
- 4) Statutory Authority: Implementing Article 8 and authorized by Section 8-102(E) of the Illinois Human Rights Act [775 ILCS 5/8-102(E)].
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendment of Section 5300.750(b)(4) will specify that a motion to compel a Department of Human Rights to accept a complaint shall be served on the Department to the attention of its Chief Legal Counsel.
- 6) Will these proposed amendments replace emergency rules currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Police Objectives: This rulemaking does not create or expand a State mandate as defined in section 5 of the State Mandates Act [30 ILCS 805/5].
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments on this proposed rulemaking may be submitted to:

Ruth Giles Ott
Assistant General Counsel
Illinois Human Rights Commission
100 West Randolph Street
Suite 5-100
Chicago, IL 60601
(312) 814-5188

All written comments received within 45 days of this issue of the Illinois Register will be considered.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: These proposed changes affect only those small

HUMAN RIGHTS COMMISSION

NOTICE OF PROPOSED AMENDMENTS

businesses which are subject to jurisdiction under the Illinois Human Rights Act. Therefore these proposed changes affect small businesses with more than 15 employees.

- B) Reporting, bookkeeping or other procedures required for compliance:
The rules impose no burdens not already imposed by law.

- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda in which this rulemaking was summarized: July 1997

The full text of the Proposed Amendments begins on the next page:

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TITLE 56: LABOR AND EMPLOYMENT
CHAPTER XI: HUMAN RIGHTS COMMISSION

PART 5300

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Section

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5300.810 Recommended Order Not Final (Renumbered)

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 5300.820 Exceptions to Recommended Order (Renumbered)
 5300.825 Presentation of Motions
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 5300.845 Agreed Motions and Orders
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SUBPART I: REVIEW OF RECOMMENDED ORDER AND DECISION

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SUBPART K: ORDER AND DECISION OF THE COMMISSION

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AUTHORITY: Implementing Article 8, BA and 8B and authorized by Section 8-102(E) of the Illinois Human Rights Act (775 ILCS 5/8-102(E) and Arts. 8, BA and 8B).

SOURCE: Filed November 15, 1975 by the Fair Employment Practices Commission; emergency amendment at 2 Ill. Reg. 12, p. 11, effective March 24, 1978, for a maximum of 150 days; amended at 3 Ill. Reg. 9, p. 40, effective March 1, 1979; amended at 3 Ill. Reg. 15, p. 100, effective April 9, 1979; transferred to the Human Rights Commission by the Illinois Human Rights Act, effective July 1, 1980; emergency amendment at 4 Ill. Reg. 39, p. 334, effective September 1, 1980; amended at 4 Ill. Reg. 42, p. 396, effective March 25, 1981; amended at 2 Ill. Reg. 7, p. 9298, effective June 1, 1982; amended at 3 Ill. Reg. 1987, amended at 9 Ill. Reg. 6207, effective April 24, 1995; amended at 16 Ill. Reg. 7838, effective June 1, 1992; emergency amendment at 20 Ill. Reg. 410, effective January 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 7820, effective June 1, 1996; amended at 21 Ill. Reg. effective

SUBPART G: DISCOVERY AND PRACTICE

Section 5300.730 Motions and Objections

a) Motions and objections directed to the Administrative Law Judge pursuant to the authority granted in Section 5300.530(b) of this Part may be stated in writing or on the record except for a motion to amend the pleadings pursuant to Section 5300.650(a) of this Part, which must be in writing.

1) A written motion shall briefly state the Order or relief requested and the specific grounds upon which relief is sought.

2) A written motion shall be served at the same time upon all Parties and filed at the Commission office of the Administrative Law Judge to whom it has been directed.

3) The following motions shall also be served upon the Department:

A) Motion to dismiss and any response thereto pursuant to Section 5300.640(b) of this Part;

B) Motion to amend the pleadings pursuant to Section 5300.650(a) of this Part; and

C) Motion to allow a Commission or Department employee to testify at a hearing pursuant to Section 5300.750(b)(4).

b) Except as provided in subsection (f) of this Section, for motions to dismiss the complaint or for summary decision, responses to written motions shall be filed by any Party within five days after service of the motion, or within such other period as the Administrative Law Judge may order, and shall be served at the same time upon all other Parties. In deciding whether to extend the period for responding to the motion, the Administrative Law Judge shall consider the complexity of the issues raised by the motion, and the

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ability of the responding Party to file a response within the five day period. Except under extraordinary circumstances, the time for responding to a motion shall not exceed 45 days. The Administrative Law Judge may, on his/her own motion or motion of the Department, enter an order permitting the Department to file a response to a written motion, in deciding whether to allow the Department to file a response to the Administrative Law Judge shall consider:

- 1) the resolution of the motion raises issues beyond those involved in the specific case;
- 2) whether the Department has an interest different from that of the Complainant or Respondent; and
- 3) whether the Department can articulate a particular point of view better than one or both Parties.

c) Written motions and responses thereto should set forth the arguments and authorities relied upon to permit the Administrative Law Judge to make a decision without oral argument on the motion.

d) Except as provided in subsection (f) of this Section for motions to dismiss and motions for summary decision, except as to motions arising out of Complaints proceeding under the alternative hearing procedure of Section 8A-102.5 of the Act and except for those motions made in the course of public hearing, all motions arising out of Complaints in the State Civil Rights Violation is in Cook County shall be heard at the Chicago office of the Commission. The Commission of Hearing on such motion shall be filed at the Commission's office in Chicago along with a copy of the motion and served upon all Parties and also upon the Department as specified in subsection (a) of this Section. The Notice of Hearing on the motion shall show the name of the Administrative Law Judge before whom and the date and time when the motion shall be presented. The motion shall be in writing and a copy of the motion or a statement that it previously has been served shall be served with the notice. Copies of all papers to be presented to the Administrative Law Judge with the motion shall be served with the notice or the notice shall state that copies have previously been served. The moving Party shall schedule the motion for hearing by entering the case name, AJS number and the nature of the motion in the motion book in the Commission's Chicago office.

1) Notice of hearing is given by personal service, the notice shall be given before 4:00 PM on the second State business day preceding the date of the motion.

2) If notice is given by mail, the notice shall be deposited in a United States Post Office or Post office Box no later than the fifth State business day preceding the hearing of the motion. The certificate of service attached to the motion will be prima facie proof of the date the notice is placed in a post office Box.

e) All motions arising out of Complaints in which the site of the alleged civil rights violation is outside Cook County and all motions arising out of Complaints proceeding under the alternative hearing procedure

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of Section 8A-102.5 of the Act shall be governed by the procedures specified in subsections (a), (b) and (c) of this Section. These motions shall not be noticed for hearing at the Commission's office in Chicago; however, if all of the Parties to a Complaint, except to a Complainant proceeding under the alternative hearing procedure of Section 8A-102.5 of the Act, in which the site of the alleged discrimination is outside Cook County agree to appear for a hearing on a motion in the Commission's Chicago office, the procedure specified in subsection (d) of this Section may be utilized.

f) Regardless of the site of the alleged civil rights violation, all motions to dismiss the Complaint and all motions for summary decision shall be filed and responded to in accordance with the procedures set forth in subsections (a), (b), and (c) of this Section.

g) All motions on Complaints proceeding under the alternative hearing procedure shall be decided by the selected Administrative Law Judge based on the written motions and responses thereto only, except when the Administrative Law Judge deems oral argument useful; then, the Administrative Law Judge shall issue an Order setting a date and time for the motion to be argued. Such oral argument may be set at a Commission office or by telephone conference hearing.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 5300.750 Hearing Procedures

a) Adverse Witness -- At the hearing, a witness may be called and examined as if under cross-examination in the same manner and circumstances as provided in Section 2-1102 of the Code of Civil Procedure [735 ILCS 5/2-1102].

b) Testimony and Evidence

- 1) All testimony taken at the hearing shall be under oath or affirmation.
- 2) All testimony and other evidence shall be subject to the same rules of evidence as are applicable in courts of record in the State of Illinois.
- 3) Compelling Appearances of Parties at Hearing -- The appearances at the hearing of a Party or a person who at the time of the hearing is a non-resident of the county, the Administrative Law Judge may require the Party to appear by serving the Party with a notice designating the person who is to appear. The notice also may require the production at the hearing of documents or tangible things. If the Party or Person is a non-resident of the county, the Administrative Law Judge may order any terms and conditions in connection with its appearance at the hearing that are just, including payment of its reasonable expenses. Upon a failure to comply with the notice, the Administrative Law Judge may enter any Order that is just.
- 4) No Commission or Department employee shall testify on behalf of a

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Party at a hearing with respect to the contents of any files, documents, reports, memoranda or records of the Commission or Department or of the results of any investigation conducted by the Department except upon Order of the Administrative Law Judge. Any Party may apply for such an Order in the form of a motion and such motion shall identify the Commission or Department employee whose testimony is desired, the nature of such person's testimony, and the specific purpose to be served thereby. The motion will be granted only upon a showing that the information to be elicited from such testimony is admissible and cannot be obtained through other means. A motion to compel a Department employee to testify shall be denied by the Department on the Department to the attention of its Chief Legal Counsel.

5) No testimony or other evidence concerning attempts to settle or adjust an alleged civil rights violation shall be given or received in any hearing without the written consent of all Parties.

6) Written stipulations, signed by the Parties to be bound thereby, may be introduced in evidence. Oral stipulations may be made on the record.

c) Record of Proceedings -- The Commission shall arrange for a record of the proceedings to be made, transcribed and filed in the Chicago or Springfield office of the Commission. Any such record will be made available for examination by the public in either the Chicago or Springfield office upon reasonable notice.

d) Administrative Law Judge's Findings and Conclusions -- The Administrative Law Judge shall advise the Parties to orally present and/or submit such briefs or proposed findings of fact and conclusions of law within such time as the Administrative Law Judge may determine. The Department may request leave to file an amicus brief upon an issue presented by the record in a hearing wherein it is not a Party, upon motion to the Administrative Law Judge, which motion shall be served on all Parties. Such motion shall be granted, and a briefing schedule ordered, if, in the opinion of the Administrative Law Judge, the interests of justice would be served thereby. Each Party filing a brief shall file it with the Administrative Law Judge and at the same time serve copies upon all other Parties.

e) Sanctions for Unreasonable Conduct -- Should a Party fail to appear at a scheduled hearing without requesting a continuance reasonably in advance, or unreasonably refuse to comply with any Order entered under this Order, or otherwise engage in conduct which unreasonably delays or obstructs proceedings, the Administrative Law Judge may, at his/her recommendation, proceed to dismisal with prejudice or default, or other appropriate Order imposing sanctions as justice may require, including requiring the offending Party or attorney to pay the reasonable expenses and attorney's fees incurred by any other Party as a result of the misconduct. In a case proceeding under the alternative hearing procedure, the Administrative Law Judge may issue a Final Order

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containing any sanction for unreasonable conduct which the Commission may impose under this Section.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Individual and Group Life Insurance Policy Illustrations

2) Code Citation: 50 Ill. Adm. Code 1406

3) Section Numbers:

1406.10	Proposed Action:
New Section	
1406.20	New Section
1406.30	New Section
1406.40	New Section
1406.50	New Section
1406.60	New Section
1406.70	New Section
1406.80	New Section
1406.90	New Section
1406.100	New Section
1406.110	New Section

- 4) Statutory Authority: Implementing Sections 224 and 230.1 of the Illinois Insurance Code [215 ILCS 5/224 and 230.1] and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

- 5) A Complete Description of the Subjects and Issues Involved: The Department is proposing this new administrative regulation recently adopted by the National Association of Insurance Commissioners.

The purpose of this Part is to require individual and group life insurers to provide a descriptive illustration to the consumer which numerically outlines the projected performance of a life policy at the point of sale or upon purchase. This illustration must adequately disclose all of the features of the policy, such as the death benefit, whether the policy has guaranteed or non-guaranteed values, and must further identify expense charges, policy fees, policy loads, and surrender charges. The life illustration requirements will also provide the consumer with detailed information on the performance of his/her life insurance.

- 6) Will this Proposed Rule replace an emergency rule currently in effect?
No

- 7) Does this Rule contain an automatic repeal date? No

- 8) Does this Proposed Rule contain incorporations by reference? Yes. The Actuarial Standard of Practice has been incorporated by reference into this rule.

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This new rule will not require

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- a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Denise Hamilton
Rules Unit Supervisor
Department of Insurance
320 West Washington (or)
Springfield, IL 62767
217/785-8560
217/782-8216

David Van Liefhout
Assistant Chief Counsel
Department of Insurance
320 West Washington
Springfield, IL 62767
217/782-8216

- 12) Initial Regulatory Flexibility Analysis:

- A) Tines of small businesses, small municipalities and not for profit corporations affected: Insurance producers will have to comply with the business practices and notification requirements of this Part.

- B) Reporting, bookkeeping or other procedures required for compliance: Please see Sections 1406.50 through 1406.100 of this Part.

- C) Tines of professional skills necessary for compliance: Please see Section 1406.100 for professional qualification and certification standards of an illustration actuary. In addition, Section 1406.80 requires record retention and business practice standards for insurance producers.

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because: the Department did not anticipate that the NAIC would be adopting this model so soon, which in turn requires the Department to set these new regulatory standards in place as soon as possible.

The full text of the Proposed Rules begins on the next page:

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TITLE 50: INSURANCE

CHAPTER 1: DEPARTMENT OF INSURANCE

SUBCHAPTER 1: LEGAL RESERVE LIFE INSURANCE

PART 1406

INDIVIDUAL AND GROUP LIFE INSURANCE POLICY

ILLUSTRATIONS

Section

1406.10 Purpose

1406.20 Applicability and Scope

1406.30 Definitions

1406.40 Policies to Be Illustrated

1406.50 Standards for Basic Illustrations

1406.60 Standards for Supplemental Illustrations

1406.70 General Rules and Prohibitions

1406.80 Delivery of Illustrations and Record Retention

1406.90 Annual Report-Notice to Policy Owners

1406.100 Annual Certifications

1406.110 Penalties

AUTHORITY: Implementing Sections 224 and 230.1 of the Illinois Insurance Code (215 ILCS 5/224 and 5/230.1) and authorized by Section 401 of the Illinois Insurance Code (215 ILCS 5/401).

SOURCE: Adopted at 21 Ill. Reg. _____, effective _____.

Section 1406.10 Purpose

The purpose of this Part is to provide standards for both individual and group life insurance policy illustrations that will protect consumers and foster consumer education. This Part provides illustration formats, prescribes standards to be followed when illustrations are used, and specifies the disclosures that are required in connection with each illustration. This Part will ensure that illustrations do not mislead purchasers of individual or group life insurance and as a result life insurance illustrations will be more understandable and allow consumers to make more informed decisions about coverage. Insurers will eliminate the use of footnotes and weeds and define terms used in the illustration in the language that would be understood by a typical person within the segment of the public to which the illustration is directed.

Section 1406.20 Applicability and Scope

This Part applies to all individual and group life insurance policies and certificates except:

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a) Variable life insurance;

b) Individual and group annuity contracts;

c) Credit life insurance; or

d) Life insurance policies with no illustrated death benefits on any individual exceeding \$10,000.

Section 1406.30 Definitions

Actuarial Standards Board means the board established by the American Academy of Actuaries to develop and promulgate standards of actuarial practice.

Contract premium means the gross premium that is required to be paid under a fixed premium policy, including the premium for a rider for which benefits are shown in the illustration.

Currently payable scale means a scale of non-guaranteed elements in effect for a policy form as of the preparation date of the illustration, or declared to become effective within the next 95 days of the preparation date.

Director means the Director of the Illinois Department of Insurance.

Disciplined current scale means a scale of non-guaranteed elements constituting a limit on illustrations currently being illustrated. The scale is based on actual experience and is subject to actual experience, as certified annually by illustration actuary designated by the insurer. The standards established by the Actuarial Standards Board (ASB) (1720 I Street, N.W., 7th Floor, Washington, D.C. 20006) (Actuarial Standard of Practice No. 24, Compliance with the NAIC Life Insurance Illustrations Model Regulation as of December 1995, no subsequent dates or editions) may be relied upon if they:

Are consistent with all provisions of this Part:

Limit a disciplined current scale to reflect only actions that have already been taken or events that have already occurred;

Do not permit a disciplined current scale to include any projected trends of improvements in experience or any assumed improvements in experience beyond the illustration date; and

Do not permit assumed expenses to be less than minimum assumed expenses.

Generic name means a short title descriptive of the policy being illustrated such as "Whole Life," "Term Life" or "Flexible Premium Adjustable Life."

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Guaranteed elements and Non-guaranteed elements mean:

Guaranteed elements means the premiums, benefits, values, credits or charges under a policy of individual or group life insurance that are guaranteed and determined at the time of issuance.

Non-guaranteed elements means the premiums, benefits, values, credits or charges under a policy of individual or group life insurance that are not guaranteed or not determined at the time of issuance.

Illustrated scale means a scale of non-guaranteed elements currently being illustrated that is not more favorable to the policy owner than the lesser of:

The disciplined current scale; or

The currently payable scale.

Illustration means a presentation or depiction that includes non-guaranteed elements of a policy of individual or group life insurance over a period of years and that is one of the 3 types defined below:

Basic illustration means a ledger or proposal used in the sale of an individual or group life insurance policy that shows both guaranteed and non-guaranteed elements.

Supplemental illustration means an illustration furnished in addition to a basic illustration that meets the applicable requirements of this Part, and that may be presented in a format differing from the basic illustration, but may only depict a scale of non-guaranteed elements that is permitted in a basic illustration.

In force illustration means an illustration furnished at any time after the policy that it depicts has been in force for one year or more.

Illustration actuary means an actuary meeting the requirements of Section 1406.100 who certifies that illustrations are based on the standard of practice promulgated by the Actuarial Standards Board.

Lapse-supported illustration means an illustration of a policy form for individual or group life insurance falling the test of self-supporting as defined in this Section, under a modified persistency rate assumption using persistency rates underlying the disciplined current scale for the first 5 years and 100 percent policy persistency thereafter.

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Minimum assumed expenses means the minimum expenses that may be used in the calculation of the disciplined current scale for a policy form.

The insurer may choose to designate each year the method of determining assumed expenses for all policy forms from the following:

Fully allocated expenses;

Marginal expenses; and

A generally recognized expense table based on fully allocated expenses representing a significant portion of insurance companies and approved by the National Association of Insurance Commissioners or by the Director.

Marginal expenses may be used only if greater than a generally recognized expense table. If no generally recognized expense table is approved, fully allocated expenses must be used.

Non-term group life means a group policy or individual policies of life insurance issued to members of a group where:

Every plan of coverage was selected by the employer or other group representative;

Some portion of the premium is paid by the group or through payroll deduction; and

Group underwriting or simplified underwriting is used.

Policy owner means the owner named in the policy or the certificateholder in the case of a group policy.

Premium outlay means the amount of premium assumed to be paid by the policy owner or other premium payer out-of-pocket.

Self-supporting illustration means an illustration of a policy form either individual or group for which it can be demonstrated that, when using experience assumptions underlying the discipline, the policy owner would be able to pay the policy cost after the fifteenth policy anniversary or the twentieth policy anniversary for last survivor policies (or upon policy expiration if sooner), the accumulated value of all policy cash flows equals or exceeds the total policy owner value available. For this purpose, policy owner value will include cash surrender values and any other illustrated benefit amounts available at the policy owner's election.

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Section 1406.40 Policies to Be Illustrated

- a) Each insurer marketing policies pursuant to this Part shall notify the Director whether a policy form is to be marketed with or without an illustration. For all policy forms being actively marketed on January 1, 1998, the insurer shall give written notice to the Director identifying which policy forms it was marketing on January 1, 1998, and the insurer must also indicate whether or not an illustration is used in marketing each policy identified. This written notice must be filed with the Life/Accident and Health Compliance Unit of the Department of Insurance within six months after the effective date of the policy and, thereafter, the insurer shall file a copy of the policy with the Life/Accident and Health Compliance Unit of the Department of Insurance. For policies marketed after January 1, 1998, the identification shall be made at the time of filing. Written notice must also be given to the Director if an insurer changes the usage of an illustration when marketing a previously identified policy form. Such notice must be filed with the Life/Accident and Health Compliance Unit of the Department of Insurance within 60 days after such change.
- b) If the insurer identifies a policy form as one to be marketed without an illustration, any use of an illustration for any policy using that form prior to the first policy anniversary is prohibited.
- c) If a policy form is identified by the insurer as one to be marketed with an illustration, a basic illustration prepared and delivered in accordance with this Part is required, except that a basic illustration need not be provided to individual members of a group or to a single applicant unless the coverage is marketed to those individuals. The illustration furnished an applicant for a group life insurance policy or policies issued to a single applicant on multiple lives may be either an individual or composite illustration representative of the coverage on the lives of members of the group or the multiple lives covered.
- d) Potential enrollees of non-term group life subject to this Part shall be furnished a quotation with the enrollment materials. The quotation shall show potential policy values for sample ages and policy years on a guaranteed and non-guaranteed basis appropriate to the group and the coverage. This quotation shall not be considered an illustration for purposes of this Part, but all information provided shall be consistent with the illustrated scale. A basic illustration shall be provided at delivery of the certificate to enrollees for non-term group life insurance, more than the minimum premium required to provide pure death benefit protection. In addition, the insurer shall make a basic illustration available to any non-term group life enrollee who requests it.

Section 1406.50 Standards for Basic Illustrations

- a) Format. A basic illustration shall conform with the following

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requirements:

- 1) The illustration shall be labeled with the date on which it was prepared.
- 2) Each page, including any explanatory notes or pages, shall be numbered and show its relationship to the total number of pages in the illustration (e.g., the fourth page of a seven-page illustration shall be labeled "page 4 of 7 pages").
- 3) The assumed dates of payment receipt and benefit pay-out within a policy year shall be clearly identified.
- 4) If the age of the proposed insured is shown as a component of the illustration, it shall be two years above the actual age plus the number of years the policyholder has been in force.
- 5) The assumed payments on which the illustrated benefits and values are based shall be identified as premium outlay or contract premium as applicable. For policies that do not require a specific contract premium, the illustrated payments shall be identified as premium outlay.
- 6) Guaranteed death benefits and values available upon surrender, if any, for the illustrated premium outlay or contract premium shall be shown and clearly labeled guaranteed.
- 7) If the illustration shows any non-guaranteed elements, they cannot be based on a scale more favorable to the policy owner than the insurer's illustrated scale at any duration. These elements shall be clearly labeled non-guaranteed.
- 8) The guaranteed elements, if any, shall be shown before referring to non-guaranteed elements and shall be specifically identified as such. The illustration shall be clearly labeled "describes only the non-guaranteed elements (e.g., "see page one for guaranteed elements)".
- 9) The account or accumulation value of a policy, if shown, shall be identified by the name this value is given in the policy being illustrated and shown in close proximity to the corresponding value available upon surrender.
- 10) The value available upon surrender shall be identified by the name this value is given in the policy being illustrated and shall be the amount available to the policy owner in a lump sum after deduction of surrender charges, policy loans and policy loan interest, as applicable.
- 11) Illustrations may show policy benefits and values in graphic or chart form in addition to tabular form.
- 12) Any illustration showing non-guaranteed elements shall be accompanied by text indicating that:
 - A) The benefits and values are not guaranteed;
 - B) The assumptions on which they are based are subject to change by the insurer; and
 - C) Actual results may be more or less favorable.
- 13) If the illustration shows that the premium payer may have the option to allow policy charges to be paid using non-guaranteed

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values, the illustration must clearly disclose that a charge continues to be required and that, depending on actual results, the premium payer may need to continue or resume premium outlays. Similar disclosure shall be made for premium outlay of lesser amounts or shorter durations than the contract premium. If a contract premium is due, the premium outlay display shall not be left blank or show zero unless accompanied by an asterisk or similar mark to draw attention to the fact that the policy is not paid up.

- 14) If the applicant plans to use dividends or policy values, guaranteed or non-guaranteed, to pay all or a portion of the contract premium or to pay other expenses, or for any other purpose, the illustration must reflect those plans and the impact on future policy benefits and values.

b) Narrative Summary. A basic illustration shall include the following:

- 1) A brief description of the policy being illustrated, including a statement that it is either an individual or group life insurance policy;
- 2) A brief description of the premium outlay or contract premium, as applicable, for the policy. For a policy that does not require payment of a specific contract premium, the illustration shall show the premium outlay that must be paid to guarantee coverage for the term of the contract, subject to maximum premiums allowable to qualify as a life insurance policy under the applicable provisions of the Internal Revenue Code;
- 3) Identification of the contract features, such as options, guaranteed or non-guaranteed, shown in the basic illustration and the impact they may have on the benefits and values of the policy;
- 4) Identification and a brief definition of column headings and key terms used in the illustration; and
- 5) A statement containing in substance the following: "This illustration assumes that the currently illustrated non-guaranteed elements will continue unchanged for all years shown. This is not likely to occur, and actual results may be more or less favorable than those shown."

c) Numeric Summary.

1) Following the narrative summary, a basic illustration shall include a numeric summary of the death benefits and values and the premium outlay and contract premium, as applicable. For a policy that provides for a contract premium, the guaranteed death benefits shall be shown for at least policy years 5, 10 and 20 and the premium outlay shall be shown for at least policy years 5, 10 and 20. If applicable, on the three bases shown below. For multiple life policies the summary shall show policy years 5, 10, 20 and 30.

- A) Policy guarantees;
- B) Insurer's illustrated scale;

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C) Insurer's illustrated scale used but with the non-guaranteed elements reduced as follows:

- i) Dividends at 50% of the dividends contained in the illustrated scale used;
- ii) Non-guaranteed credited interest at rates that are the average of the guaranteed rates and the rates contained in the illustrated scale used;
- iii) All non-guaranteed charges, including but not limited to, term insurance charges, mortality and expense charges, at rates that are the average of the guaranteed rates and the rates contained in the illustrated scale used; and
- iv) When "zero cost for mortality" is shown, a statement must be added that "the fact that no insurance charge is shown for a particular month does not mean that the insurance provided is free and there will be no such insurance charge in the future."

- 2) In addition, if coverage would cease prior to policy maturity or age 100, the year in which coverage ceases shall be identified for each of the 3 bases.

d) Statements substantially similar to the following shall be included on the same page as the numeric summary and signed by the applicant, or the policy owner in the case of an illustration provided at time of delivery, as required by this Part. The applicant or policy owner reading as follows must have received a copy of this illustration and understand that any non-guaranteed elements illustrated are subject to change and could be either higher or lower. I have been told they are not guaranteed. The insurance producer, or other authorized representative of the insurer has not made any statements as to the likelihood of the non-guaranteed elements actually being paid or credited."

- 2) A statement to be signed and dated by the insurance producer or other authorized representative of the insurer reading as follows: "I certify that this illustration has been presented to the applicant and that I have explained that any non-guaranteed elements illustrated are subject to change. I have not made any statements to the applicant as to the likelihood of the non-guaranteed elements actually being paid or credited."

e) Tabular illustration shall include the following for at least each policy year from 1 to 10 and for every fifth policy year thereafter ending at age 100, policy maturity or final expiration; and except for term insurance beyond the 20th year, for any year in which the premium outlay and contract premium, if applicable, is to change.

- A) The premium outlay and mode the applicant plans to pay and the contract premium, as applicable;

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- B) The corresponding guaranteed death benefit, as provided in the policy, shall be provided upon surrender, as provided in the policy.
- C) For a policy that provides for a contract premium, the guaranteed death benefit and value available upon surrender shall correspond to the contract premium.
- 3) Non-guaranteed elements may be shown if described in the contract. In the case of an illustration for a policy on which the insurer intends to credit terminal dividends, they may be shown if the insurer's current practice is to pay terminal dividends. If any non-guaranteed elements are shown they must be shown at the same durations as the corresponding guaranteed elements, if any. If no guaranteed benefit or value is available at any duration for which a non-guaranteed benefit or value is shown, a zero shall be displayed in the guaranteed column.

Section 1406.60 Standards for Supplemental Illustrations

- a) A supplemental illustration may be provided so long as:
 - 1) it is appended to, accompanied by or preceded by a basic illustration that complies with this Part;
 - 2) the non-guaranteed elements shown are not more favorable to the policy owner than the corresponding elements based on the scale used in the basic illustration;
 - 3) it contains the same statement required of a basic illustration that non-guaranteed elements are not guaranteed; and
 - 4) for a policy that has a contract premium, the contract premium underlying the supplemental illustration is equal to the contract premium shown in the basic illustration. For policies that do not require a contract premium, the premium outlay underlying the basic illustration shall be equal to premium outlay shown in the basic illustration.
- b) The supplemental illustration shall include a notice referring to the basic illustration for guaranteed elements and other important information.
- c) A supplemental illustration shall be provided containing the cost indices found in 50 Ill. Adm. Code 930.40(1)(i)(c) using non-guaranteed elements calculated according to the standards required by this Part.

Section 1406.70 General Rules and Prohibitions

- a) An illustration used in the sale of an individual or group life insurance policy shall satisfy the applicable requirements of this Part, be clearly labeled "Life Insurance Illustration" and contain the following basic information:
 - 1) Name of insured;

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- 2) Name and business address of insurance producer or insurer's authorized representative, if any;
- 3) Name, age and sex of proposed insured, except where a composite illustration is permitted pursuant to this Part;
- 4) Underwriting or rating classification upon which the illustration is based;
- 5) Generic name of policy, the insurer product name, if different, and form number;
- 6) Initial death benefit; and
- 7) Dividend option election or application of non-guaranteed elements, if applicable.
- b) When using an illustration in the sale of an individual or group life insurance policy, an insurer or its insurance producers or other authorized representatives shall not:
 - 1) Represent the policy as anything other than a life insurance policy;
 - 2) Describe non-guaranteed elements in a manner that is misleading, or has the capacity or tendency to mislead;
 - 3) State or imply that the payment or amount of non-guaranteed elements is guaranteed;
 - 4) Use an illustration that does not comply with the requirements of this Part;
 - 5) Use an illustration that at any policy duration depicts policy performance more favorable to the policy owner than that produced by the illustrated scale of the insurer whose policy is being illustrated;
 - 6) Provide an applicant with an incomplete illustration;
 - 7) Represent in any way that premium payments will not be required for each year of the policy in order to maintain the illustrated death benefits, unless that is the fact; "premium," or a similar term use the term "annuity" or "income" to describe a plan for using non-guaranteed elements to pay a portion of future premiums;
 - 8) Except for policies that can never develop nonforfeiture values, use an illustration that is "lapse-supported"; or
 - 9) Use an illustration that is not "self-supporting."
- c) If an interest rate used to determine the illustrated non-guaranteed elements is shown, it shall not be greater than the earned interest rate underlying the disciplined current scale.

Section 1406.80 Delivery of Illustrations and Record Retention

- a) If a basic illustration:
 - 1) is used by an insurance producer or other authorized representative of the insurer in the sale of a life insurance policy and the policy is applied for as illustrated, a copy of that illustration, signed in accordance with Section

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1406.50(d)(2), shall be submitted to the insurer at the time of policy application. A copy also shall be provided to the applicant.

- 2) Is revised due to the policy being issued other than as applied for, a revised basic illustration conforming to the policy as issued shall be sent with the policy. The revised illustration shall conform to the requirements of this Part, shall be labeled "Revised Illustration" and shall be signed and dated by the applicant or policy owner and insurance producer or other authorized representative of the insurer no later than the time the policy is delivered. A copy shall be provided to the insurer and the policy owner.

b) If no illustration:

- 1) Is used by an insurance producer or other authorized representative in the sale of a life insurance policy or if the policy is applied for other than as illustrated, the insurance producer or representative shall certify that the effect in producing a surrender by the insured is the same as the effect in applying a surrender by the insured. On the same date the application shall acknowledge that no illustration conforming to the policy applied for was provided and shall further acknowledge an understanding that an illustration conforming to the policy as issued will be provided no later than at the time of policy delivery. This form shall be submitted to the insurer at the time of policy application.

- 2) Is used at the time of application, basic illustration conforming to the policy as issued shall be sent with the policy and signed by the insurance producer and the policy owner no later than the time the policy is delivered. A copy shall be provided to the insurer and the policy owner.

- c) If the basic illustration or revised illustration is sent to the applicant or policy owner by mail from the insurer, it shall include instructions for the applicant or policy owner to sign and return the copy of the illustration to the insurer. The insurer shall be obligated to return the signed copy to the insurer. The insurer's obligation under this subsection shall be satisfied if it can demonstrate that it has made a diligent effort to secure a signed copy of the numeric summary page. The requirement to make a diligent effort shall be deemed satisfied if the insurer includes in the mailing a self-addressed postage pre-paid envelope with instructions for the return of the signed numeric summary page.

- d) A copy of the basic illustration and a revised basic illustration, if any, signed as applicable, along with any certification that either no illustration was used or that the policy was applied for other than as illustrated, shall be retained by the insurer until 3 years after the policy is no longer in force. A copy need not be retained if no policy is issued.

Section 1406.90 Annual Report - Notice to Policy Owners

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- a) In the case of a policy designated as one for which illustrations will be used, the insurer shall provide each policy owner with an annual report, the status of the policy that shall contain at least the following information:

- 1) For universal life policies, the report shall include the following:

- A) The beginning and end date of the current report period;
- B) The policy value at the end of the previous report period and the policy value at the end of the current report period;

- C) The total amounts that have been credited or debited to the policy value during the current report period, identifying

- each by type (e.g., interest, mortality, expense and riders);

- D) The current death benefit at the end of the current report period on each life covered by the policy;

- E) The net cash surrender value of the policy as of the end of the current report period;

- F) The current report period for outstanding loans, if any, as of the end of the current report period; and

- G) Either:

- 1) For fixed premium policies, if, assuming guaranteed interest, mortality and expense loads and continued scheduled premium payments, the policy's net cash surrender value is such that it would not maintain insurance in force until the end of the next reporting period, a notice to this effect shall be included in the report; or

- 2) For flexible premium policies, if, assuming guaranteed interest, mortality and expense loads, the policy's net cash surrender value will not maintain insurance in force until the end of the next reporting period unless further premium payments are made, a notice to this effect shall be included in the report.

- 2) For all other policies where applicable:

- A) Current death benefit;

- B) Annual contract premium;

- C) Current cash surrender value;

- D) Current dividend;

- E) Application of current dividend; and

- F) Amount of outstanding loan.

- 3) Insurers writing life insurance policies that do not build nonforfeiture values shall only be required to provide an annual report with respect to these policies for those years when a change has been made to non-guaranteed policy elements by the insurer.

- b) If the annual report does not include an in force illustration, it shall contain the following notice displayed prominently: "IMPORTANT POLICY OWNER NOTICE: You should consider requesting more detailed

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information about your policy to understand how it may perform in the future. You should not consider replacement of your policy or make changes in your coverage without requesting a current illustration. You may annually request, without charge, such an illustration by calling [insurer's phone number], writing to [insurer's name] at [insurer's address] or contacting your insurance producer. If you do receive a current illustration policy and the policy agent says "no" to your request, you should contact the Department of Insurance. The insurer may vary the sequential order of the methods for obtaining an in force illustration.

c) Upon the request of the policy owner, the insurer shall furnish an in force illustration of current and future benefits and values based on the insurer's present illustrated scale. This illustration shall comply with the requirements of Section 1406.70(a) and (b) and Section 1406.30(a) and (e) of this Part. No signature or other acknowledgment of receipt of this illustration will be required.

d) If an adverse change in non-guaranteed elements that could affect the policy has been made by the insurer since the last annual report, the annual report shall contain a notice of that fact and the nature of the change will be prominently displayed.

e) When "zero cost for mortality" is shown, a statement must be added that the net cost of no insurance charge is shown for a particular month does not mean that the net cost is free and that there will be no such insurance charge in the future."

Section 1406.100 Annual Certifications

a) The Board of Directors of each insurer shall appoint one or more illustration actuaries.

b) The illustration actuary shall certify that the disciplined current scale used in illustrations is in conformity with the Actuarial Standard of Practice No. 24, Compliance with the NAIC Life Insurance Illustrations Model Regulation promulgated by the Actuarial Standards Board, (ASB) 1720 I Street, N.W., 7th Floor, Washington, DC 20006, and that the illustrated scales used in insurer-authorized illustrations meet the requirements of this Part.

c) The illustration actuary shall:

- 1) Be a member in good standing of the American Academy of Actuaries;
- 2) Be familiar with the standard of practice regarding life insurance policy illustrations;
- 3) Not have been found by the Director, following appropriate notice and hearing to have:
 - A) Violated any provision of, or any obligation imposed by, the insurance law or other law in the course of his or her dealings as an illustration actuary;
 - B) Been found guilty of fraudulent or dishonest practices;
 - C) Demonstrated his or her incompetence, lack of cooperation,

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or untrustworthiness to act as an illustration actuary; or

D) Resigned or been removed as an illustration actuary within the past 5 years as a result of acts or omissions indicated in any adverse report on examination or as a result of a failure to adhere to generally acceptable actuarial standards.

4) Not standards, notify the Director of any action taken by a commissioner of another state similar to that identified under subsection (c)(3) of this Section;

5) Disclose in the annual certification whether, since the last certification, a currently payable scale applicable for business issued within the previous 5 years and within the scope of the certification has been reduced for reasons other than changes in the experience factors underlying the disciplined current scale. If non-guaranteed elements illustrated for new policies are not consistent with those illustrated for similar in force policies, this must be disclosed in the annual certification. If non-guaranteed elements illustrated for both new and in force policies are not consistent with the non-guaranteed elements actually being paid, charged or credited to the same or similar forms, this must be disclosed in the certification and the method used to allocate overhead expenses for all illustrations:

- A) Fully allocated expenses;
- B) Marginal expenses; or
- C) A generally recognized expense table based on fully allocated expenses representing a significant portion of insurance companies and approved by the National Association of Insurance Commissioners or by the Director.

d) The illustration actuary shall:

- 1) File a certification with the insurer's Board of Directors:
 - A) Annually for all policy forms for which illustrations are used; and
 - B) Before a new policy form is illustrated.
- 2) If an error in a previous certification is discovered, the illustration actuary shall notify the insurer's Board of Directors promptly.

e) If an illustration actuary is unable to certify the scale for any policy form illustration the insurer intends to use, the actuary shall notify the Board of Directors of the insurer promptly of his or her inability to certify.

f) An annual certification shall be filed with the Director by the insurer each year by July 1. The insurer shall submit the actuarial certification as required by subsection (d) of this Section to the Life, Accident/Health Compliance Unit of the Illinois Department of Insurance. A responsible officer of the insurer, other than the illustration actuary, shall certify:

- 1) That the illustration format meet the requirements of this Part

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- and that the scales used in insurer-authorized illustrations are those scales certified by the illustration actuary; and
- 2) that the insurer has provided its insurance producers with information that illustrates the method used by the insurer in its illustrations and disclosed as required by subsection (b)(3) of this Section.
- 9) If an insurer changes the illustration actuary responsible for all or a portion of the insurer's policy forms, the insurer shall notify the Director of that fact promptly and disclose the reason for the change.

Section 1406.110 Penalties

In addition to any penalties authorized by the Illinois Insurance Code, an insurer or insurance producer who violates a requirement of this Part may be in violation of other State laws or regulations.

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- 1) **Heading of the Part:** Medical Payment
- 2) **Code Citation:** 89 Ill. Adm. Code 140
- 3) **Section Numbers:** Proposed Action:
140.413 Amendment
- 4) **Statutory Authority:** Section 12-13 of the Illinois Public Aid Code (305 ILCS 5/12-13) and Public Act 90-7
- 5) **Complete Description of the Subjects and Issues Involved:** These proposed amendments to the Department's rules concerning coverage for physician services are being made in response to Public Act 90-7. The legislation addresses services related to the early detection of cancer that are already covered by the Department. These services include annual mammography for women age 40 or older, annual Pap smears for women and annual tests for men to detect rectal and prostate cancer. Although the legislation seems primarily related to concerns about practices and limitations in private insurance and HMOs, the language also includes the Department of Public Aid. Therefore, the legislation is now being specifically detailed in the Department's rules.
- The proposed amendments will not result in any budgetary changes because the medical services described are already covered by the Department.
- 6) **Will these proposed amendments replace emergency amendments currently in effect?** No
- 7) **Does this rulemaking contain an automatic repeal date?** No
- 8) **Do these proposed amendments contain incorporations by reference?** No
- 9) **Are there any other proposed amendments pending on this Part?** Yes
- | Sections | Proposed Action | Illinois Register Citation |
|----------|-----------------|--------------------------------------|
| 140.470 | Amendment | August 29, 1997 (21 Ill. Reg. 11889) |
| 140.471 | Amendment | August 29, 1997 (21 Ill. Reg. 11889) |
| 140.472 | Amendment | August 29, 1997 (21 Ill. Reg. 11889) |
| 140.474 | Amendment | August 29, 1997 (21 Ill. Reg. 11889) |
- 10) **Statement of Statewide Policy Objectives:** These proposed amendments do not affect units of local government.
- 11) **Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking:** Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

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Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
201 South Grand Ave., 3rd Floor
Springfield, Illinois 62763

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations. The amendments are Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected. The Department is unaware of any effect this rulemaking will have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to these proposed amendments.

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER 1: DEPARTMENT OF PUBLIC AID
SUBCHAPTER 4: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

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- SOURCE: Adopted at 3 ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 ill. Reg. 681, effective December 30, 1982; amended at 7 ill. Reg. 7956, effective July 1, 1983; amended at 7 ill. Reg. 8308, effective July 1, 1983; amended at 7 ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 ill. Reg. 8540, effective July 15, 1983; amended at 7 ill. Reg. 9382, effective July 22, 1983; amended at 7 ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 ill. Reg. 15047, effective October 31, 1983; amended at 7 ill. Reg. 17358, effective December 21, 1983; amended at 8 ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 ill. Reg. 300, effective January 1, 1984, for a maximum of 150 days; amended at 8 ill. Reg. 4837, effective February 1, 1984, for a maximum of 150 days; amended at 8 ill. Reg. 5262, effective April 9, 1984; February 22, 1984; amended at 8 ill. Reg. 5262, effective April 9, 1984; amended at 8 ill. Reg. 6785, effective April 27, 1984; amended at 8 ill. Reg. 6983, effective May 9, 1984; amended at 8 ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 ill. Reg. 7910, effective June 1, 1984; amended at 8 ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 ill. Reg. 13343, effective July 17, 1984; amended at 8 ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 ill. Adm. Code 141 at 8 ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 ill. Reg. 17899; peremptory amendment at 8 ill. Reg. 18151, effective September 18, 1984; amended at 8 ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 ill. Reg. 22079, effective October 24, 1984; amended at 8 ill. Reg. 22115, effective November 1, 1984; amended at 8 ill. Reg. 23219, effective November 20, 1984; emergency amendment at 8 ill. Reg. 23771, effective November 21, 1984, for a maximum of 150 days; amended at 8 ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 ill. Reg. 2697, effective February 22, 1985; amended at 9 ill.

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Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9664, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12066, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 6, 1986; amended at 10 Ill. Reg. 7657, effective May 10, 1986; amended at 10 Ill. Reg. 812, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 reclassified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9165, effective April 28, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 11113, effective June 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 11598, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20309, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1360, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140-Table A and 140-Table B reclassified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147-Table A and 147-Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6977, effective April 5, 1988; Sections 140.140 thru 140.372 reclassified to 89 Ill. Adm. Code 149.3 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended

at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 26, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 515, effective April 3, 1989; amended at 13 Ill. Reg. 7025, effective April 16, 1989; Sections 140.100 thru 140.896 reclassified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 reclassified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 reclassified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16592, effective October 16, 1989; amended at 14 Ill. Reg. 130, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 12162, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 29, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 1598, effective September 24, 1990; amended at 13 Ill. Reg. 12779, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990;

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preservation of life of woman, or that the induced premature birth was to produce a live viable child and was necessary for the health of mother or her unborn child.

2) Sterilization

A) Therapeutic sterilization -- only when the procedure is either a necessary part of the treatment of an existing illness, or is medically indicated as an accompaniment of an operation on the female genitourinary tract. Mental incapacities must include an illness or injury which would authorize this procedure.

B) Nontherapeutic sterilization -- only for recipients age 21 or older and mentally competent. The physician must obtain the recipient's informed written consent in a language understandable to the recipient before performing the sterilization and must advise the recipient of the right to withdraw consent at any time prior to the operation. The operation shall be performed no sooner than 30 days and no later than 180 days following the date of the recipient's written informed consent except in cases of premature delivery or emergency abdominal surgery. An individual may consent to be sterilized at the time of premature delivery or emergency abdominal surgery if at least 72 hours have passed since informed consent was given.

3) By-passed sterilization -- only when the recipient has the approval of the Department of Public Aid. The Department shall approve sterilization for this service only in those cases in which it determines that obesity is exogenous in nature, the recipient has had the benefit of other therapy with no success, and endocrine disorders have been ruled out. (See Sections 140.40 through 140.42 for prior approval requirements.)

4) Psychiatric Services

A) Treatment -- when the services are provided by a physician who has been enrolled as an approved provider with the Department. Psychiatric treatment services are not covered for recipients of General Assistance or Aid to the Medically Indigent.

B) Consultation -- only when necessary to determine the need for psychiatric care. Services provided subsequent to the initial consultation must comply with the requirements for

5) Services provided to a recipient in his home -- only when the recipient is physically unable to go to the physician's office.

6) Services provided to recipients in group care facilities by a physician other than the attending physician -- only for emergency services provided when the attending physician of record is not available or when the attending physician has made referral with the recipient's knowledge and permission.

7) Services provided to recipients in a group care facility by a

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physician who derives a direct or indirect profit from total or partial ownership (or from other types of financial investment for profit in the facility -- only when occasioned by an emergency due to acute illness, unavailability of essential treatment facilities in the vicinity for short-term care pending transfer, or when there is no comparable facility in the area.

8) Maternity care -- Payment shall be made for pre-natal and post-natal care only when the following conditions are met:

A) The physician, whether based in a hospital, clinic, or individual practice, retains hospital delivery privileges or maintains a written referral arrangement with another physician who retains hospital delivery privileges or has been included in the Maternal and Child Health Program of the Department, or having entered into an appropriate Healthy Moms/Healthy Kids program provider agreement;

B) The written referral agreement is kept on file and is available for inspection at the physician's place of business, and details procedures for timely transfer of medical records; and

C) Maternal services are delivered in a manner consistent with the quality of care guidelines published by the American College of Obstetricians and Gynecologists in the current edition of the "Standards for Obstetric Gynecologic Services" (1989 Edition), 409 12th Street S.W., Washington, D.C. 20024-2188.

9) Physician services to children under age twenty-one

A) Payment shall be made when the physician meets one or more of the following conditions: The physician:

i) has admitted or is eligible for certification in

ii) is identified or is eligible for certification in

iii) is employed by or affiliated with a Federally

iv) is a member of the National Health Service Corps; or

v) has been certified by the Secretary of the Department

vi) has been certified by the Secretary of the Department

of Health and Human Services as qualified to provide

physicians' services to a child under 21 years of age;

or

vii) has current, formal consultation and referral

arrangements with a pediatrician or family

physician for the purposes of specialized treatment

and admission to a hospital. The written referral

agreement is kept on file and is available for

inspection at the physician's place of business, and

details procedures for timely transfer of medical

records; or

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vii) has entered into a Maternal and Child Health provider agreement or has otherwise been transferred in from the Healthy Moms/Healthy Kids Program.

- B) The physician shall certify to the Department of the way in which he or she meets the above criteria; and
- C) Services to children are delivered in a manner consistent with the standards of the American Academy of Pediatrics and the standards of the Illinois Department of Public Health (77 Ill. Adm. Code 630, Maternal and Child Health Services; 77 Ill. Adm. Code 665, Child Health Examinations; 77 Ill. Adm. Code 675, Hearing Screening; 77 Ill. Adm. Code 685, Vision Screening).

10) Hysterectomy -- only if the individual has been informed, orally and in writing, that the hysterectomy will render her permanently incapable of reproducing and the individual has signed a written acknowledgement of receipt of the information. The Department will not pay for a hysterectomy which would not have been performed except for the purpose of rendering an individual permanently incapable of reproducing.

11) Selected surgical procedures including:

- A) Tonsillectomies or Adenoidectomies
- B) Hemorrhoidectomies
- C) Cholecystectomies
- D) Disc Surgery/Spinal Fusion
- E) Hysterectomies
- F) Joint Cartilage Surgery/Meniscectomies
- G) Excision of Varicose Veins
- H) Submucous Resection/Rhinoplasty/Repair of Nasal System
- I) Mastectomies for Non-Malignancies
- J) Surgical procedures which generally may be performed in an outpatient setting (see Section 140.117) only if the Department authorizes payment. The Department will in some instances require that a second physician agree that the surgical procedure is medically necessary prior to approving payment for one of these procedures. The Department will require a second opinion when the attending physician has been notified by the Department that he will be required to perform surgery for payment for the surgeries listed. (See Section 140.40 for the Department's appeal procedure requirement.) The Department will select physicians for this requirement based on the recommendation of a peer review committee that has reviewed the utilization pattern of the physician.

12) Mammography screening

- A) Covered only when ordered by a physician for screening by low-dose mammography for the presence of occult breast cancer under the following guidelines:
- 1) a baseline mammogram for women 35 through 39 years of

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age; and

+++ a mammogram--every one--to--two--years--for women--40 through--49--years--of--age--or

++++ a mammogram once per year for women 40 50 years of age or older.

B) As used in this rule, "low-dose mammography" means the x-ray examination of the breast using equipment specifically designated for mammography that will meet appropriate radiological standards.

13) Pap tests and prostate-specific antigen tests -- coverage is provided for the following:

- A) An annual cervical smear or Pap smear test for women.
- B) An annual digital rectal examination and a prostate-specific antigen test upon the recommendation of a physician licensed to practice medicine in all its branches, for:

- i) asymptomatic men age 50 and over;
- ii) African-American men age 40 and over; and
- iii) men age 40 and over with a family history of prostate cancer.

b) In cases where a physical examination by a second physician is needed, the Department will notify the recipient and designate a physician to perform the examination. The recipient will be required to submit to this examination for six months after which a request can be submitted to the peer review committee to consider removal of the prior approval requirement.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT ON AGING

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Community Care Program
- 2) Code Citation: 89 Ill. Adm. Code 240
- 3) Section Numbers:
240.815
Adopted Action:
Amendment
- 4) Statutory Authority: 20 ICS 105/4.02 (11) and 5.02
- 5) Effective Date of Rulemaking: September 1, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: August 27, 1997
- 9) Notice of Proposal Published in Illinois Register: March 14, 1997; 21 Ill. Reg. 3001
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between Proposal and final version: The following reflects the changes.
 - 1) Rule Section 240.815, Subsection (b) (3), change "94-450" to "97-458".
 - 2) Rule Section 240.815, Subsection (b) (7), change "48 U.S.C. 5044" to "42 U.S.C. 5044, Section 4951".
 - 3) Rule Section 240.815, Subsection (b) (7) (B), delete everything after "the".
 - 4) Rule Section 240.815, Subsection (b) (7) (B), after "the" add "National Senior Volunteer Corps (NSVC)".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: This rulemaking is filed in conjunction with the rulemaking at 89 Ill. Adm. Code 260 implementing the mandates of Public Act 89-525. The Long-Term Care Insurance Partnership Program allows individuals to purchase a certified long term care insurance policy with dollar for dollar asset protection, up to total asset protection with

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purchase of a policy in an amount equal to the average cost of four years of long term care services in a nursing facility. This amendment excludes assets protected by a certified long term care insurance policy that meets State standards when determining Community Care Program eligibility.

The Long-Term Care Insurance Partnership Program provides a vehicle whereby individuals can protect their life savings from the catastrophic costs of long term care while expanding markets for Case Coordination Units and increasing flexible funding for home and community based services.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Name: Ms. Pamela W. Balmer, Assistant
Address: Office of General Counsel
Illinois Department on Aging
421 East Capitol Avenue, #100
Springfield, Illinois 62701-1789
Attention: Exempt Assets
Telephone: 217/785-3346

The full text of the Adopted Amendment begins on the next page:

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TITLE 99: SOCIAL SERVICES
CHAPTER II: DEPARTMENT ON AGING

PART 240

COMMUNITY CARE PROGRAM

SUBPART A: GENERAL PROGRAM PROVISIONS

Section	
240.100	Community Care Program
240.110	Department Prerogative
240.120	Services Provided
240.130	Maintenance of Effort
240.140	Program Limitations
240.150	Completed Applications Prior to August 1, 1982 (Repealed)
240.160	Definitions

SUBPART B: SERVICE DEFINITIONS

Section	
240.210	Homemaker Service
240.220	Chore-Housekeeping Service (Repealed)
240.230	Adult Day Care Service
240.240	Information and Referral
240.250	Demonstration/Research Projects
240.260	Case Management/Research Service
240.270	Alternative Provider
240.280	Individual Provider

SUBPART C: RIGHTS AND RESPONSIBILITIES

Section	
240.300	Applicant/Client Rights and Responsibilities
240.310	Right to Apply
240.320	Nondiscrimination
240.330	Freedom of Choice
240.340	Confidentiality/Safeguarding of Case Information
240.350	Applicant/Client/Authorized Representative Cooperation
240.360	Reporting Changes
240.370	Voluntary Repayment

SUBPART D: APPEALS

Section	
240.400	Appeals and Fair Hearings
240.405	Representation
240.410	When the Appeal May Be Filed
240.415	What May Be Appealed

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240.420	Group Appeals
240.425	Informal Review
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240.435	Initiating an Appeal
240.436	Cancelling an Appeal
240.440	Examining Department Records
240.445	Hearing Officer
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240.451	Conduct of Hearing
240.455	Continuance of the Hearing
240.460	Postponement
240.465	Dismissal Due to Non-Appeal
240.470	Rescheduling the Appeal Hearing
240.475	Recommendations of Hearing Officer
240.480	The Appeal Decision
240.485	Reviewing the Official Report of the Hearing

SUBPART E: APPLICATION

Section	
240.510	Application for Community Care Program
240.520	Who May Make Application
240.530	Date of Application
240.540	Statement to be Included on Application

SUBPART F: ELIGIBILITY

Section	
240.600	Eligibility Requirements
240.610	Establishing Eligibility
240.620	Home Visit
240.630	Determination of Eligibility
240.640	Eligibility Decision
240.650	Continuous Eligibility
240.655	Period of Determinations
240.660	Extension of Time Limit

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Section	
240.710	Age
240.715	Determination of Need
240.720	Clients Prior to Effective Date of This Section (Repealed)
240.725	Clients After Effective Date of This Section (Repealed)
240.730	Emergency Budget Act Reduction (Repealed)
240.735	Minimum Score Requirements
240.740	Maximum Payment Levels for Service
240.745	Maximum Payment Levels for Adult Day Care Service

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NOTICE OF ADOPTED AMENDMENTS

240.730 Plan of Care
 240.735 Supplemental Information
 240.740 Assessment of Need
 240.750 Citizenship
 240.755 Residence
 250.760 Furnishing of Social Security Number

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 240.800 Financial Factors
 240.810 Assets
 240.815 Exempt Assets
 240.820 Asset Transfers
 240.825 Income
 240.830 Unearned Income Exemptions
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 240.840 Potential Retirement, Disability and Other Benefits
 240.845 Family
 240.850 Monthly Average Income
 240.855 Applicant/Client Expense for Care
 240.860 Change in Income
 240.865 Application For Medical Assistance (Medicaid)
 240.870 Determination of Applicant/Client Monthly Expense for Care
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SUBPART I: DISPOSITION OF DETERMINATION

Section
 240.905 Prohibition of Institutionalized Individuals From Receiving Community Care Program Services
 240.910 Written Notification
 240.915 Service Provision
 240.920 Reasons for Denial
 240.925 Frequency of Redeterminations (Renumbered)
 240.930 Suspension of Services
 240.935 Discontinuance of Services to Clients
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 240.945 Notification
 240.950 Reasons for Termination
 240.955 Reasons for Reduction or Change

SUBPART J: SPECIAL SERVICES

Section
 240.1010 Nursing Home Prescreening
 240.1020 Interim Services
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NOTICE OF ADOPTED AMENDMENTS

240.1050 Temporary Service Increase

SUBPART K: TRANSFERS

Section
 240.1110 Individual Transfer Request - Vendor to Vendor - No Change in Service
 240.1120 Individual Transfer Request - Vendor to Vendor - With Change in Service
 240.1130 Individual Transfers - Case Coordination Unit to Case Coordination Unit
 240.1140 Transfer of Pending Applications
 240.1150 Interagency Transfers
 240.1160 Temporary Transfers - Case Coordination Unit to Case Coordination Unit
 240.1170 Caseload Transfer - Vendor to Vendor
 240.1180 Caseload Transfer - Case Coordination Unit to Case Coordination Unit

SUBPART L: ADMINISTRATIVE SERVICE CONTRACT

Administrative Service Contract

SUBPART M: CASE COORDINATION UNITS AND VENDORS

Section
 240.1310 Standard Contractual Requirements for Case Coordination Units and Vendors
 240.1320 Vendor or Case Coordination Unit Fraud/Illegal or Criminal Acts
 240.1330 General Vendor and CCU Responsibilities (Repealed)
 240.1396 Payment for Services (Repealed)
 240.1397 Purchases and Contracts (Repealed)
 240.1398 Safeguarding Case Information (Repealed)
 240.1399 Suspension/Termination of a Vendor or Case Coordination Unit (CCU)

SUBPART N: CASE COORDINATION UNITS

Section
 240.1400 Community Care Program Case Management
 240.1410 Case Coordination Unit Administrative Minimum Standards
 240.1420 Case Coordination Unit Responsibilities
 240.1430 Case Management Staff Positions, Qualifications and Responsibilities
 240.1440 Training Requirements For Case Management Supervisors and Case Managers

SUBPART O: PROVIDERS

Section

DEPARTMENT ON AGING

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240.1510 Provider Administrative Minimum Standards
 240.1520 Provider Responsibilities
 240.1530 General Adult Day Care Staffing Requirements
 240.1535 Homemaker Staff Positions, Qualifications and Responsibilities
 240.1540 General Chore-Housekeeping Staffing Requirements (Repealed)
 240.1540 Chore-Housekeeping Staff Positions, Qualifications and Responsibilities (Repealed)
 240.1550 Standard Requirements for Adult Day Care Providers
 240.1555 General Adult Day Care Staffing Requirements
 240.1560 Adult Day Care Staff Qualifications
 240.1565 Adult Day Care Satellite Sites
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 240.1580 Standards for Alternative Providers
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SUBPART P: PROVIDER PROCUREMENT

Section
 240.1600 Provider Contract
 240.1605 Procuring Provider Services
 240.1610 Procurement Cycle for Provider Services
 240.1620 Issuance of Provider Proposal and Guidelines
 240.1625 Content of Provider Proposal and Guidelines
 240.1630 Criteria for Number of Provider Contracts Awarded
 240.1635 Evaluation of Provider Proposals
 240.1640 Determination and Notification of Provider Awards
 240.1645 Objection to Procurement Action Determination
 240.1650 Classification of Provider Service Violations
 240.1655 Compliance Reviews of Provider Service Violations
 240.1660 Provider Right to Appeal
 240.1665 Provider Actions for Failure to Comply with Community Care Program Requirements

SUBPART Q: CASE COORDINATION UNIT PROCUREMENT

Section
 240.1710 Procurement Cycle for Case Management Services
 240.1720 Case Coordination Unit Compliance Review

SUBPART R: ADVISORY COMMITTEE

Section
 240.1800 Community Care Program (CCP) Advisory Committee
 240.1850 Technical Rate Review Advisory Committee (Repealed)

SUBPART S: RATES

DEPARTMENT ON AGING

NOTICE OF ADOPTED AMENDMENTS

Section
 240.1910 Establishment of Fixed Unit Rates
 240.1920 Contract Specific Variations
 240.1930 Fixed Unit Rate of Reimbursement for Homemaker Service
 240.1940 Fixed Unit Rates of Reimbursement for Adult Day Care Service and Transportation
 240.1950 Adult Day Care Fixed Unit Reimbursement Rates
 240.1960 Case Management Fixed Unit Reimbursement Rates

SUBPART T: FINANCIAL REPORTING

Section
 240.2020 Financial Reporting of Homemaker Service
 240.2030 Unallowable Costs for Homemaker Service
 240.2040 Minimum Direct Service Worker Costs for Homemaker Service
 240.2050 Cost Categories for Homemaker Service

AUTHORITY: Implementing Section 4.02 and authorized by Section 4.01(1) of the Illinois Act on the Aging [20 ICs 105/4.02 and 4.01(1)].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 1, p. 67, effective December 20, 1979, for a maximum of 150 days; adopted at 4 Ill. Reg. 17, p. 151, effective April 25, 1980; amended at 4 Ill. Reg. 43, p. 86, effective October 13, 1980; emergency amendments at 5 Ill. Reg. 1900, effective February 18, 1981; emergency amendments at 6 Ill. Reg. 8455, effective July 6, 1982; emergency amendments at 6 Ill. Reg. 8455, effective July 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 14953, effective December 1, 1982; amended at 7 Ill. Reg. 8697, effective July 20, 1983; codified at 8 Ill. Reg. 2633; amended at 9 Ill. Reg. 1739, effective January 29, 1985; amended at 9 Ill. Reg. 10208, effective August 29, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 5076, effective March 15, 1986; recodified at 12 Ill. Reg. 7980; amended at 13 Ill. Reg. 11193, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 13639, effective August 18, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17327, effective November 1, 1989; amended at 14 Ill. Reg. 1233, effective January 12, 1990; amended at 14 Ill. Reg. 10732, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 2838, effective February 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 4035, effective July 1, 1991; emergency amendments at 15 Ill. Reg. 4539, effective November 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 13991, effective November 15, 1991, for a maximum of 150 days; emergency amendments suspended at 16 Ill. Reg. 1744; emergency amendments modified in response to a suspension by the Joint Committee on Administrative Rules and reinstated at 16 Ill. Reg. 2943; amended at 15 Ill. Reg. 18568, effective December 13, 1991; emergency amendments at 16 Ill. Reg. 2630, effective February 1, 1992, for a maximum of 150 days; emergency amendments at 16 Ill. Reg. 2901, effective February 6, 1992, to expire June 30, 1992; emergency amendments at 16 Ill. Reg. 4069, effective February 28, 1992, to

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expire June 30, 1992; amended at 16 Ill. Reg. 11403, effective June 30, 1992; emergency amendments at 16 Ill. Reg. 11625, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 11731, effective June 30, 1992; emergency rule added at 16 Ill. Reg. 12615, effective July 23, 1992, for a maximum of 150 days; modified at 16 Ill. Reg. 16680; amended at 16 Ill. Reg. 14565, effective September 8, 1992; amended at 16 Ill. Reg. 18767, effective November 27, 1992; amended at 17 Ill. Reg. 224, effective December 29, 1992; amended at 17 Ill. Reg. 6090, effective April 7, 1993; amended at 18 Ill. Reg. 609, effective February 1, 1994; emergency amendment at 18 Ill. Reg. 5348, effective March 22, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 13375, effective August 19, 1994; amended at 19 Ill. Reg. 9085, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10186, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12693, effective August 25, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16031, effective November 20, 1995; amended at 19 Ill. Reg. 16523, effective December 1, 1995; amended at 20 Ill. Reg. 5389, effective March 22, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6995, effective July 1, 1996; amended at 20 Ill. Reg. 10597, effective August 1, 1996; amended at 21 Ill. Reg. 887, effective January 10, 1997; amended at 21 Ill. Reg. 6183, effective May 15, 1997; amended at 21 Ill. Reg. 12441, effective _____.

SUBPART H: FINANCIAL REQUIREMENTS

Section 240.815 Exempt Assets

- a) Exempt Assets
 - 1) Homestead property
 - 2) Clothing and personal effects
 - 3) Household furnishings
 - 4) Business or training equipment used for the production of income
 - 5) Motor vehicle(s) except those primarily used for recreational purposes
 - 6) Group life insurance held as a condition of employment or provided by employer
 - 7) The principal of a trust fund only when the instrument establishing the trust specifically states the principal cannot be impaired.
 - 8) One of the following:
 - A) A prepaid burial plan with a total value of up to \$1,500 if burial merchandise is not specified. If burial merchandise is specified in the burial plan, that merchandise shall be exempt. Any excess of \$1,500 in value for burial services shall be considered non-exempt; or
 - B) life insurance policy with a total face or cash value of \$1,500 or less. When both cash and face value exceed \$1,500 apply the excess cash value over \$1,500 toward the non-exempt assets.

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- C) Burial space(s) intended for use of the client and grave markers shall be exempt.
- 9) The value of the coupon allotment under the Food Stamp Act of 1977 (7 U.S.C. 2017(b)).
- 10) The value of the U.S. Department of Agriculture donated foods (surplus commodities).
- 11) The value of supplemental food assistance received under the Child Nutrition Act of 1966 as amended, (42 U.S.C. 1780(b)) and the special food service program for children under the National School Lunch Act, as amended (42 U.S.C. 1760).
- 12) Assets protected by purchase of a certified long-term care insurance policy that meets State standards [320 ICES 35/25 (a)(1) through (5)].
- b) In addition to the above, the following assets are exempt. These assets remain exempt only so long as they can be identified by a separate account or records. Assets received under Title III, Part C, Nutrition Program for the Elderly, of the Older Americans Act of 1965, as amended (42 U.S.C. 3030(e) and (f)).
- 2) Any payment received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4636).
- 3) Any funds distributed per capita to or held in trust for members of any Indian tribe under P.L. 92-254, P.L. 93-134 or P.L. 97-458 (25 U.S.C. 1407).
- 4) Tax-exempt portions of payments made pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1626).
- 5) Experimental Housing Allowance Program payments made under Annual Contributions Contracts entered into prior to January 1, 1975, under Section 23 of the U.S. Housing Act of 1937, as amended (42 U.S.C. 1415 (f)).
- 6) Section 17, 1975, receipts distributed to certain Indian tribal members for marginal land held by the United States government.
- 7) Payments to volunteers under the 1973 Domestic Volunteer Service Act (42 U.S.C. 5044, Section 4951 48-95-8-5644). These include:
 - A) Vista Volunteers;
 - B) Volunteers serving as senior health aides, senior companions, foster grandparents, or persons serving in the National Senior Volunteer Corps (NSVC).
- 8) Retired-Executives--(S680B3)--and-Active-Corps-of-Executives (A680B7).
- 8) Any grant or loan to any undergraduate student for educational purposes made or insured under any program administered by the Secretary of Education.
- 9) Supplemental Security Income (SSI) lump sum payments.
- 10) Income received under the provision of Section 4(C) of the Senior Citizens and Disabled Persons Property Tax Relief and

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NOTICE OF ADOPTED AMENDMENTS

Pharmaceutical Assistance Act (320 ILCS 25/4(c)) (4111-Rev-Stat-1987--ch-67-k/37-per-484re). This includes both the benefits commonly known as the "circuit breaker" and the "additional grants".

(Source: Amended at 21 Ill. Reg. 124.4.1, effective

DEPARTMENT ON AGING

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Long-Term Care Insurance Partnership Program
- 2) Code Citation: 89 Ill. Adm. Code 260
- 3) Section Numbers:

260.100	Adopted Action:
260.200	Amendment
260.300	Amendment
260.400	Amendment
- 4) Statutory Authority: 320 ILCS 35 and 20 ILCS 105/4.01 (11), 5.02 and Public Act 89-525
- 5) Effective Date of Rulemaking: September 1, 1997
- 6) Does this rulemaking contain an automatic renewal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: August 27, 1997
- 9) Notice of Proposal Published in Illinois Register: March 14, 1997; 21 Ill. Reg. 3012
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: The following reflects the changes:
 - 1) Rule Section 260.200, Subsection (b) change "has" to "have" and delete "incorporated".
 - 2) Rule Section 260.200, Subsection (b) change "by reference" to "referenced".
 - 3) Rule Section 260.300, Subsection (c) and Section 260.400, Subsection b) delete "incorporated by reference" and add "referenced".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The purpose of this rulemaking is to implement the mandates of Public Act 89-525 by moving the program from its demonstration status to program status. The Long-Term Care Insurance

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NOTICE OF ADOPTED AMENDMENTS

Partnership Program allows individuals to purchase a certified long term care insurance policy with dollar for dollar asset protection, up to total asset protection with purchase of a policy in an amount equal to the average cost of four years of long term care services in a nursing facility. The insured will be apprised of the benefits of purchasing inflation protection for the long term care insurance policy. In the event of program termination, insured individuals will have the option to purchase any traditional long term care insurance policy offered by the insurer which has benefits comparable to those provided by a certified long term care insurance policy.

The Long-Term Care Insurance Partnership Program will provide a vehicle whereby individuals can protect their life savings from the catastrophic costs of long term care while expanding markets for Case Coordination Units and increasing flexible funding for home and community based services.

16) Information and questions regarding these adopted amendments shall be directed to:

Ms. Pamela W. Balmer, Assistant
Office of General Counsel
Illinois Department on Aging
412 East Capitol Avenue, #100
Springfield, IL 62701-1789
Attn: Long-Term Care Insurance
(217)783-3346

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT ON AGING

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER II: DEPARTMENT ON AGING

PART 260

LONG-TERM CARE INSURANCE PARTNERSHIP DEMONSTRATION PROGRAM

SUBPART A: PROGRAM OVERVIEW

Section
260.100 Authority and Purpose

SUBPART B: ELIGIBILITY

Section
260.200 Eligibility Requirements

SUBPART C: APPEALS

Section
260.300 Appeals

SUBPART D: SERVICES

Section
260.400 Scope of Services

AUTHORITY: Implementing the Partnership for Long-Term Care Act [320 ILCS 35] and authorized by Section 4.01(1) of the Illinois Act on Aging [20 ILCS 105/4.01(1)].

SOURCE: Adopted at 18 Ill. Reg. 9895, effective July 1, 1994; amended at 21 Ill. Reg. 1242, effective _____.

SUBPART A: PROGRAM OVERVIEW

Section 260.100 Authority and Purpose

a) These rules are promulgated to implement the provisions of the Partnership for Long-Term Care Act [320 ILCS 35]. The Illinois Department on Aging shall administer the provisions of the Act and in so doing references incorporate-by-reference the following. These incorporations-by-reference include no new amendments or editions made after the original adoption date of this Part:

- 1) Long-Term Care Insurance Partnership, 50 Ill. Adm. Code 2018, Illinois Department of Insurance;
- 2) Medical Assistance Program, 89 Ill. Adm. Code 120.382(a)(3) and 120.386(b), Illinois Department of Public Aid; and
- 3) Long-Term Care Insurance Partnership Demonstration Program, 89

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NOTICE OF ADOPTED AMENDMENTS

Ill. Adm. Code 688, Illinois Department of Rehabilitation Services.

- b) The purpose of this Part these rules is to establish a private-public Long-Term Care Insurance Partnership Demonstration Program in which individuals who purchase private long-term care insurance that meets State standards and who sustain extended episodes of chronic illnesses that exhaust all the benefits of their private insurance be eligible for continued care by in-home supportive services and by the Medicaid program on the basis of specific resource eligibility requirements.

(Source: Amended at 21 Ill. Reg. 1212, effective

SUBPART B: ELIGIBILITY

Section 260.200 Eligibility Requirements

- a) Individuals who are at least 60 years of age and who exhaust all Long-Term Care Insurance Partnership Demonstration Program benefits shall be considered eligible for the Department on Aging's Community Care Program, as indicated in 89 Ill. Adm. Code 240.600 through 240.875, with the following exceptions:

- 1) Points scored on the Determination of Need (DON), as indicated in Part A of the DON, at least 10 points of which may be earned on 89 Ill. Adm. Code 240.715, need only be at least 15 points on the Mini-Mental State Exam (MMSE); and
 - 2) Non-exempt assets shall not exceed the sum of the allowable amount under the Community Care Program as indicated in 89 Ill. Adm. Code 240.810(a), and the amount equal to the qualifying Long-Term Care Insurance Partnership Policy as described in 89 Ill. Adm. Code 2018; and
 - 3) Assets of an individual who purchased a certified Long-Term Care Insurance Partnership Policy with an amount of coverage equal to or greater than the average of four years of long-term care services in a nursing facility shall be disregarded, provided that the individual has received all the qualifying insurance benefit payments that are payable under the policy.
- b) All other program eligibility criteria under the Long-Term Care Insurance Partnership Demonstration Program have been referenced incorporated-by-reference in Section 260.100(a).

(Source: Amended at 21 Ill. Reg. 1212, effective

SUBPART C: APPEALS

Section 260.300 Appeals

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NOTICE OF ADOPTED AMENDMENTS

- a) All individuals at least 60 years of age have a right to appeal a denial of benefits or a designated plan of care under the Long-Term Care Insurance Partnership Demonstration Program. These appeals shall be conducted pursuant to 89 Ill. Adm. Code 240.400 through 240.485.
- b) All individuals who apply for coverage under the Long-Term Care Insurance Partnership Demonstration Program have a right to appeal a denial of coverage. These appeals shall be conducted pursuant to 89 Ill. Adm. Code 240.400, 240.425(a), 240.430 and 240.435.
- c) All other appeal provisions under the Long-Term Care Insurance Partnership Demonstration Program have been referenced incorporated-by-reference in Section 260.100(a).

(Source: Amended at 21 Ill. Reg. 1212, effective

SUBPART D: SERVICES

Section 260.400 Scope of Services

- a) All individuals who qualify for the Department on Aging's Community Care Program by having been a recipient of services provided under the Long-Term Care Insurance Partnership Demonstration Program shall receive services as provided through the Demonstration Program at a level not to exceed the maximum payment levels as described in 89 Ill. Adm. Code 240.728 and 240.729.
- b) All other service provisions under the Long-Term Care Insurance Partnership Demonstration Program have been referenced incorporated-by-reference in Section 260.100(a).

(Source: Amended at 21 Ill. Reg. 1212, effective

AUDITOR GENERAL

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Public Information, Rulemaking, Organization and Personnel

2) Code Citation: 2 Ill. Adm. Code 600
600.674

3) Section Numbers: Adopted Action:
Amended Section

4) Statutory Authority: Authorized by Section 2-12(a) of the Illinois State Auditing Act [30 ILCS 5/2-12(a)].

5) Effective Date of Rulemaking: August 27, 1997

6) Does this rulemaking contain an automatic renewal date? No

7) Does this rulemaking contain incorporations by reference? Yes. This amendment incorporates provisions of the State Finance Act (30 ILCS 105) which affect the accumulation and compensability of sick leave.

8) Date Filed in Agency's Principal Office: August 25, 1997

9) Notice of Proposal Published in Illinois Register: Publication of proposed rule not required.

10) Has JCAR issued a Statement of Objections to these rules? No. JCAR review not required.

11) Differences(s) between proposal and final version: None; see answer 9.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No. JCAR review not required.

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this part? No

15) Summary and Purpose of Rulemaking: This rule is required to implement Public Act 90-65 which affects the manner in which sick leave is compensated.

16) Information and questions regarding this adopted amendment shall be directed to:

Aric Simons
Legal Counsel
100 W. Randolph Street
Suite 4-100

AUDITOR GENERAL

NOTICE OF ADOPTED AMENDMENTS

Chicago, IL 60601
312/814-4015

The full text of the Adopted Amendment begins on the next page:

AUDITOR GENERAL

NOTICE OF ADOPTED AMENDMENTS

Upon leaving employment with the Office, an employee is entitled to be paid for one-half (1/2) of all unused sick leave earned after January 1, 1984 and before January 1, 1998. The order in which sick leave is charged against employee's accumulated sick leave and the commensurability of sick leave upon an employee's death, retirement, resignation or other termination of service shall be governed by the State Finance Act.

c) Accumulation: Employees shall be allowed to carry over any unused sick leave earned under subsection (a), above, from year to year of continuous service.

d) Conversions: An employee may exercise the option of converting two (2) sick days into one (1) vacation day. However, the exercise of such option shall not result in the reduction of the employee's accumulated sick leave to an amount less than ten (10) sick days unless the conversion is in conjunction with the employee's termination.

(Source: Amended at 21 Ill. Reg. effective

12434,

AUG 07 1997)

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

- 1) **Heading of the Part:** Design Criteria for Pressure Sewer Systems
- 2) **Code Citation:** 35 Ill. Adm. Code 374
- 3) **Section Numbers:** Adopted Action:
374.102 Amended
374.103 Amended
374.104 Amended
374.105 Renumbered
374.106 Repealed
374.201 Amended
374.207 Amended
374.208 Amended
- 4) **Statutory Authority:** Implementing and authorized by Sections 13(a)(3) of the Illinois Environmental Protection Act [45 ILCS 5/13(a)(3)].
- 5) **Effective Date of Rule:** August 28, 1997
- 6) **Does this rulemaking contain an automatic renewal date?** No
- 7) **Does this rulemaking contain incorporations by reference?** No
- 8) **Date filed in Agency's principal office:** August 25, 1997.
- 9) **Notice of Proposal Published in the Illinois Register:** 21 Ill. Reg. 2543, February 21, 1997
- 10) **Has JCPR issued a Statement of Objections to these rules:** No
- 11) **Differences between Proposal and final version:** There are no differences.
- 12) **Have all changes agreed upon by the Agency and JCPR been made as indicated in the agreement letter issued by JCPR?** There were no changes.
- 13) **Will this proposed rule replace an emergency rule currently in effect?** No
- 14) **Are there any amendments pending on this Part?** No
- 15) **Summary of Purpose of Rulemaking:** At the time these rules were adopted, pressure sewer systems were considered experimental. These systems are now commonplace, and these amendments delete requirements that impose unnecessary burdens on systems owners and operators and on municipalities.
- 16) **Requests for information and questions regarding this adopted rule may be directed to:**

Thomas G. McSwiggin, Permits Manager

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

Bureau of Water
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276
(217) 782-2027

The full text of the Rule begins on the next page:

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 374

DESIGN CRITERIA OF PRESSURE SEWER SYSTEMS

SUBPART A: PERMITS

Section
374.101 Introduction
374.102 Conventional System Preference
374.103 System Pressure Maintenance System-Ownership
374.104 Sludge Disposal Experimental-Permits
374.105 Sludge Disposal (Renumbered)
374.106 Pressure System Failure (Renumbered)

SUBPART B: DESIGN CRITERIA

Section
374.201 Duplex Pumps
374.202 Minimum Size
374.203 Valves
374.204 Non-corrosive Equipment
374.205 Influent Pumping
374.206 Pipe Sizing
374.207 Marked Sewer Lines
374.208 Alarm Systems

AUTHORITY: Authorized by and implementing Section 13(a)(3) of the Environmental Protection Act (415 ILCS 5/13(a)(3)).

SOURCE: Filed with the Secretary of State December 20, 1977, effective December 20, 1977; codified at 6 Ill. Reg. 13019, effective October 12, 1982; amended at 21 Ill. Reg. 12449, effective AUG 28 1997.

SUBPART A: PERMITS

Section 374.101 Introduction

These design criteria are to be used by the Illinois Environmental Protection Agency's Division of Water-Pollution-Control-Permit-Section in reviewing review-of 35 Ill. Adm. Code 309, Subpart B permit applications for pressure sewer systems including grinder pump systems and septic tank effluent pumping (STEF) systems.

(Source: Amended at 21 Ill. Reg. 12439, effective

AUG 28 1997)

ENVIRONMENTAL PROTECTION AGENCY
NOTICE OF ADOPTED RULES

Section 374.102 Conventional System Preference

If possible, the development proposed shall be served by a conventional sewer system. A conventional sewer system is defined as gravity sewers and/or the use of a conventionally designed pumping station.

(Source: Amended at 21 Ill. Reg. 12-2-80, effective 1-1-81)

Section 374.103 System Pressure Maintenance System Ownership

The owner or operator of a pressure sewer system shall provide a method of inspection or authorization to assure that users of the system maintain the system in good condition. The owner or operator shall be responsible for the design, construction, maintenance, repair, replacement, modification, or relocation of the pump, pump station, or the sewer line. The owner or operator of a pressure sewer system is determined to be infeasible if a permit may be issued for the construction and operation of the facilities only if the governing body owns and operates all pumping units and the common force main. If the developer indicates that individual home owners are to own and operate the pumping units with the force main owned by the municipality, the application shall be denied.

(Source: Amended at 21 Ill. Reg. 12-2-80, effective 1-1-81)

Section 374.104 Sludge Disposal Experimental Permits

Permits for STEP systems shall not be issued unless the applicant provides satisfactory evidence that adequate facilities are available for the handling and disposal of sludge tank sludge. All permits at this time that are to be issued for pressure sewer systems should be considered experimental in nature. The permit should contain a special condition requiring a specific expiration date of the permit.

(Source: Section 374.104 repealed and new Section 374.104 renumbered from Section 374.105 at 21 Ill. Reg. 12-2-80, effective 1-1-81)

Section 374.105 Sludge Disposal (Renumbered)

(Source: Section 374.105 renumbered to Section 374.104 at 21 Ill. Reg. 12-2-80, effective 1-1-81)

Section 374.106 Pressure System Failure (Repealed)

There should be a statement in the permit that if the pressure sewer system fails and conventional means of transporting the sewage is available or is capable of being installed, the governing body and/or the developer shall be

ENVIRONMENTAL PROTECTION AGENCY
NOTICE OF ADOPTED RULES

required to install a conventional transportation system

(Source: Repealed at 21 Ill. Reg. 12-2-80, effective 1-1-81)

SUBPART B: DESIGN CRITERIA

Section 374.201 Duplex Pumps

If grinder pumps are serving more than one building, the use of duplex pumping units shall be required. If the pumps are to be installed for individual buildings, a single pumping unit may be used as satisfactory.

(Source: Amended at 21 Ill. Reg. 12-2-80, effective 1-1-81)

Section 374.207 Marked Sewer Lines

Where polyvinyl chloride (PVC) pressure mains are to be installed in the vicinity of similar water supply lines, clear markings of the sewer line should be clearly marked accomplished to prevent possible future cross-connections.

(Source: Amended at 21 Ill. Reg. 12-2-80, effective 1-1-81)

Section 374.208 Alarm Systems

An alarm system shall be provided in the home where grinder units are installed in the basement so there will be no loss of property to alert the home owner in case of pump malfunction due to the owner not knowing the pump was not functioning. A visual alarm system shall be provided for those pumping units installed in a separate pumping vault outside of the home.

(Source: Amended at 21 Ill. Reg. 12-2-80, effective 1-1-81)

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- 1) Heading of the Part: Illinois Recommended Standards for Sewage Works
 2) Code Citation: 35 Ill. Adm. Code 370

3) Section Numbers:Adopted Action:

370.100 Amended
 370.110 New Section
 370.115 New Section
 370.200 Amended
 370.210 Amended
 370.211 New Section
 370.220 Amended
 370.230 Amended
 370.250 Amended
 370.260 Amended
 370.300 Amended
 370.310 Amended
 370.320 Amended
 370.330 Amended
 370.340 Amended
 370.350 Amended
 370.410 Amended
 370.420 Amended
 370.430 Amended
 370.450 Amended
 370.470 Amended
 370.500 Amended
 370.510 Amended
 370.520 Amended
 370.530 Amended
 370.550 Amended
 370.560 Amended
 370.570 Amended
 370.610 Amended and Renumbered
 370.620 Amended and Renumbered
 370.630 Renumbered
 370.700 Amended
 370.710 Amended
 370.720 Amended
 370.740 Amended
 370.750 Amended
 370.840 Amended
 370.850 Amended
 370.860 New Section
 370.845 Amended
 370.850 Amended
 370.860 Amended

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- 370.870 Amended
 370.900 Amended
 370.910 Repealed
 370.915 New Section
 370.920 Amended
 370.930 Amended
 370.940 Amended
 370.1000 Amended
 370.1010 Amended
 370.1020 Amended
 370.1021 New Section
 370.1022 New Section
 370.1030 Repealed
 370.1040 Repealed
 370.1050 Repealed
 370.1060 Repealed
 370.1070 Repealed
 370.1080 Amended
 370.1120 Amended
 370.1130 Amended
 370.1210 Amended
 APPENDIX B Amended
 APPENDIX C Amended
 APPENDIX H Repealed
- 4) Statutory Authority: Implementing and authorized by Sections 4 and 39 of the Illinois Environmental Protection Act (415 ILCS 5/4 and 5/39).
 5) Effective Date of Rule: August 28, 1997
 6) Does this rulemaking contain an automatic repeal date? No
 7) Does this rulemaking contain incorporations by reference? Yes
 8) Date filed in Agency's Principal Office: August 25, 1997
 9) Notice of Proposal Published in the Illinois Register: 20 Ill. Reg. 12832, October 4, 1996
 10) Has JCAR issued a Statement of Objections to these rules? No
 11) Differences between Proposal and final version:
1. "370.915 Rotating Biological Contactors" added to Table of Contents.
 2. "Section 370.115 Incorporations by Reference" added to Table of Contents.

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3. New Section 370.115 added:

Section 370.115 Incorporations by Reference:

a) The following materials are incorporated by reference:

1. "Glossary: Water and Wastewater Control Engineering," Joint Editorial Board of the American Public Health Association, American Society of Civil Engineers, American Waterworks Association, American Pollution Control Federation (1969).
2. ASTM Standards--American Society for Testing and Materials, 100 Bar Harbor Drive, West Conshohocken PA
 - ASTM C12-95--"Standard Practice for Installing Vitrified Clay Pipe Lines", Vol. 04.03, Chemical Resistant Materials, Vitrified Clay, Concrete, Fiber-Cement Products; Mortars; Masonry (1996).
 - ASTM C969-94--"Standard Practice for Infiltration and Exfiltration Acceptance Testing of Installed Precast Concrete Pipe Sewer Lines", Vol. 04.03, Chemical Resistant Materials, Vitrified Clay, Concrete, Fiber-Cement Products; Mortars; Masonry (1996).
 - ASTM C1244-93--"Standard Test Method for Concrete Sewer Manholes by the Negative Pressure (Vacuum) Test", Vol. 04.03, Chemical Resistant Materials, Vitrified Clay, Concrete, Fiber-Cement Products; Mortars; Masonry (1996).
3. "AWWA Standard for Installation of Ductile-Iron Mains and their Appurtenances," ANSI/AWWA C500-93, (1994) American Waterworks Association, 6666 Quincy Avenue, Denver, CO 80235.
4. "National Electrical Code Handbook," 7th ed. (1996), National Fire Protection Association, 1 Batterymarch Park, PO Box 9101, Quincy, MA 02269-9101.
5. "Standard Specifications for Water and Sewer Main Construction in Illinois," 5th ed. (1996), Illinois Society of Professional Engineers, Illinois Municipal League, the Associated General Contractors of Illinois, Underground Contractors Association.

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6. "Standard Specifications for Road and Bridge Construction" (1997), Illinois Department of Transportation.
7. Manuals of Practice, Joint Task Force of the Water Environment Federation ("WEF"), formerly Water Pollution Control Federation, 601 White Street, Alexandria, VA 22314-1994 and the American Society of Civil Engineers ("ASCE"), 345 East 47th Street, New York, NY 10017-2398
 - "Gravity Sanitary Sewer Design and Construction", WPCF Manual of Practice (MOP) No. PD-5 (1982).
 - "Units of Expression for Wastewater Management", WEF Manual of Practice (MOP) No. 6 (1982).
 - "Design of Municipal Wastewater Treatment Plants", vol. 1, WEF Manual of Practice (MOP) No. 8 (1992)
- b) This Section includes no new editions or amendments.
4. In Section 370.210(b) "protected" added between "and" and "population" and "with-adequate-justification" stricken at the end of the sentence.
5. In Section 370.220(a)(9), "(refer to 370.210(b)(8))" added between "wells," and "structures" and "(refer to 370.350(b)(1)(A))" added at the end of the sentence.
6. In Section 370.320(g)(2)(C)(i), "ASTM--C12-86,--or--Standard Specifications for Water-and-Sewer-Main-Construction-in-Illinois--4th ed.--(May-1986)--two-later-editions-or-amendments", stricken and "ASTM C12-95--Standard Practice for Installing Vitrified Clay Pipe Lines" (1996) added. Standard Specifications for Water and Sewer Main Construction in Illinois, 5th ed. (1996) (no later editions or amendments) inserted.
7. In Section 370.320(g)(2)(C)(ii), "D2321-82" deleted and "D2321-86; Standard Practice for Underground Installation of Thermoplastic Pipe for Sewers and Other Gravity-Flow Applications" (1996) (no later editions or amendments) inserted; "4th ed. (May, 1986)" deleted and "5th ed. (1996)" inserted.
8. In Section 370.320(g)(2)(D)(iii) "D2321-74" deleted and "D2321-98 (1996)" inserted.
9. In Section 370.320(i), "below" changed to "in this subsection (i)".
10. In Section 370.330(e)(2), "in accordance with ASTM C569-94--

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"Standard Practice for Infiltration and Exfiltration Acceptance Testing of Installed Precast Concrete Pipe Sewer Lines, Vol. 04.05, Chemical Resistant Materials, Vitrified Clay, Concrete, Fiber-Cement Products, Mortars; Masonry (1996) (no later editions or amendments) or ASTM C1244-93 "Standard Test Method for Concrete Sewer Manholes by the Negative Pressure (Vacuum) Test," Vol. 04.05, Chemical Resistant Materials, Vitrified Clay, Concrete, Fiber-Cement Products; Mortars; Masonry, (1996) (no later editions or amendments)" added after "water-tightness."

11. In Section 370.340(d) LOPI radius fittings should be used. added after "maintenance."

12. In Sections 370.350(b)(2)(B), 370.350(c)(1)(C) and 370.350(c)(2)(B)(i), "in accordance with "AWWA Standard for Installation of Ductile-Iron Water Mains and their Accessories," ANSI/AWWA C600-93 (1994), (no later editions or amendments) for a working pressure equal to or greater than the maximum possible surcharge head," added after "pressure tested".

13. In Sections 370.430(a) and (c)(3), "(1996)" added after "National Electric Code."

14. In Section 370.470(h), "D2321-83a, Figure 1" changed to "D2321-82, Figure 1" and "20.2.21(B)(6), Case V," changed to "20.2.21 A and 20.2.21 B".

15. In Section 370.520(d)(1), "should" stricken and replaced with "shall" and "design-peak" and "maximum-expected" stricken and "maximum expected" inserted.

16. In Section 370.530(f)(9), "The contents shall be--stencilled--on--the piping--labeling--the--contents--in--a--contrasting-color" stricken; "Sulfur dioxide line - yellow with red bands" added; existing subsection (f)(9) renumbered to (f)(9)(10); and a new subsection (f)(10) added as follows: "(10) The contents shall be stencilled on the piping labeling the contents in a contrasting color."

17. In Section 370.530, new subsection 370.530(j) added:

"j) Confined Spaces

The number of confined spaces should be minimized for safety purposes."

18. In Section 370.550, new subsection (a)(5) added:

"(a)(5) Continuity of Dechlorination

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For facilities using dechlorination equipment, the design shall provide for continuous dechlorination during all lower outages, if required due to critical outfall locations and receiving waters."

19. In Section 370.560, new subsection (a)(10) added:

"370.560(a)(10) Provisions for confined space entry in accordance with the requirements of the Occupational Safety and Health Act and any other applicable regulatory requirements."

20. In Section 370.570(a), "or omitted" added at the end of the sentence.

21. In Section 370.600(a), "ventilation" changed to "ventilation," and "The maximum distance from the fresh air discharge and the working deck floor shall be 24 inches." added after the end of the first sentence.

22. In Section 370.845(a): "Alkaline material may be added to dewatered sludges for stabilization pursuant to Section 370.520(b)." added after the end of the second sentence.

23. In Section 370.845(e)(3), "steed" changed to "sized".

24. In Section 370.845(e), "on-the-day-it-is-delivered-to-the-site" stricken and "within 24 hours of application," inserted.

25. In Section 370.860(a), "or omitted" added after the word "reduced."

26. In Section 370.860(c)(3), "370-99043(1)(A)" changed to "370.930(d)(1)(A)".

27. In Section 370.900(h)(2), "Refer--to--Water-Pollution-Control Federation-MOP-No-8-or-American-Society-of-Civil-Engineers-Manual of-Engineering-Practice-EMO847-No-34" replaced with "USE Manual of Practice (MOP) No. 8, Design of Municipal Wastewater Treatment Plants, Vol. 1 (1992)".

28. New Section 370.915, added:

Section 370.915 Rotating Biological Contactors

a) General

Wastewater treatment facilities that propose to use rotating biological contactors (RBC's) shall submit to the Agency for review field experience and operational data that demonstrates that observed problems with the process have been solved at similar full scale installations. The Agency will review the

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claimed field experience against known field conditions and the operational history of observed problems at similar facilities.

b) Mechanical Reliability and Structural Integrity

- 1) The mechanical and structural reliability of the shafts and media subjected to cyclic stress reversals must be demonstrated relative to the design life of the plant and the known weight of the machines based on field experience.
- 2) The design must show that film thickness will be effectively controlled throughout all parts of the media pack to prevent excessive film weight and water pickup weight due to plugging restrictions. The equipment design must include load cells to warn of the need for film thickness control and to demonstrate the effectiveness of the proposed film thickness control practices.

c) Process Reliability

- 1) Process reliability must be demonstrated, including proven operational control procedures relative to design organic loadings for the unit media area or volume, which satisfactorily insure that the applicable effluent standards are met. The process design shall also include proven operational procedures that will prevent process functional deficiencies and media plugging that cause the weight to exceed shaft and media structural capabilities during the design life of the plant.
- 2) The design must show that adequate void clearance (as distinguished from void ratio) is provided to insure that the biological film, including any sludge that may accumulate, will not interfere with the flow of liquid and air in the media pack. The Agency will compare the RBC design under review to past experience with designs used for plastic trickling filter media to accomplish adequate void clearance.
- 3) The design shall provide for maintaining a minimum of 2.0 mg/l dissolved oxygen in the basin liquor. The effectiveness of the proposed method for maintaining adequate dissolved oxygen will be evaluated based on field experience at similar full scale installations.
- 4) If pilot testing is proposed, the size of the RBC pilot plant unit and the scope and duration of the testing program on the specific waste that will be treated must be thoroughly

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documented. The proposed pilot testing program should be submitted to the Agency for comment prior to the initiation of testing. The RBC pilot units must be of prototype scale. Because of differential seasonal weight and plugging field problems, the test period must cover the four seasons, to allow the Agency to evaluate the proposed design against the experience of existing full scale plants.

- 5) The process design must include provisions for meeting applicable effluent limits with some units out of service for unit repair, biofilm thickness control, out-of-balance correction and other operational problems. Added units for standby credit will be required to insure compliance with effluent limitations and to prevent mechanical or structural failures during periods of unit outage for maintenance, repair, or process control purposes.
29. In Section 370.920, "respiration" added after "endogenous."
30. In Section 370.930(b)(1)(F)(ii), "dry--17--1998" stricken and replaced with "January 1, 1997"; and RR-3-or-RR-4 "stricken and replaced with "Grade No. 3 or 4".
31. In Section 370.1010(b), the word "tests" stricken at the end of the second sentence and "effluent limitations" added at the end of the subsection.
32. In Section 370.1020(h)(3)(a), "inlet" stricken and replaced with the ventilation inlet or window or entrance door; "where the public may be exposed to extensive exposure to chlorine in case of chlorine leaks or overflows" added after "inlet"; "and the ventilation discharge" added at the end of the subsection.
33. In Section 370.1020(h)(5)(A), "the design of the cabinet support slab shall take into account the effects of frost and settling due to soil stability. Flexible piping connections should be considered for lines connected to the cabinet." added at the end of the subsection.
34. In Section 370.1020(h)(3)(B), "System considerations shall include the--controlling--sewage--flow--meter--sensitivity---and---location) telemetering---equipment---and---sulfonator---controls" stricken and replaced with "System considerations shall include the sensitivity and location of the controlling sewage flow meter, the telemetering equipment and sulfonator controls."
35. In Section 370.1021(f)(5), "CGA-3-1988" changed to "CGA G-3-1988".
36. In Section 370.1210(a)(1)(B), "and temperatures" added at the end of

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the sentence.

37. In Section 370.1210(a)(2)(B), "loan" changed to "load".
38. In Section 370.1210(c)(2)(C), "Provisions shall be made to minimize heat losses to maintain sewage temperatures of at least 50°--F." stricken and replaced with "Careful consideration shall be given in the design and selection of aeration and mixing equipment to minimize heat losses and to maintain sewage temperatures of at least 50° F in cold weather."
39. In Section 370.1210(c)(3)(B), "40°" stricken and replaced with "8°" and "average" inserted between "design" and "flow".
40. In Section 370.1210(c)(4), "Process" added after "growth".
41. In Section 370.1210(c)(4)(B), "18--hours" stricken and "6 hours" inserted
42. In Section 370.1210(c)(4)(C)(ii) A first stage process design that will minimize heat losses to maintain sewage temperatures of at least 50° F in cold weather." stricken and (iii) Careful consideration shall be given in the design and selection of aeration and mixing equipment to minimize heat losses and to maintain sewage temperatures of at least 50° F in cold weather." inserted.
43. In Section 370.1120(h)(6)(A), "flow" reinstated.

- 12) Have all changes agreed upon by the Agency and JCPR been made as indicated in the agreement letter issued by JCPR? Yes

- 13) Will this proposed rule replace an emergency rule currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary of Purpose of Rulemaking: Part 370 establishes design standards used by the Illinois EPA in issuing permits for wastewater treatment plant applications for wastewater transport and treatment facilities including sewers, pumping stations, wastewater treatment plants and equipment, and sludge processing and handling facilities at treatment plants. These comprehensive revisions reflect experience that has been gained with and changes that have occurred in wastewater treatment methodology and technology since the Recommended Standards were first adopted over 15 years ago. These revisions also eliminate treatment processes that have proved to be ineffective and establish criteria for other treatment processes that have become generally accepted since the Illinois Recommended Standards were first adopted.

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- 16) Requests for information and questions regarding this adopted rule may be directed to:

Thomas G. McSwiggan, Permits Manager
Bureau of Water
Illinois Environmental Protection Agency
P.O. Box 1927
Springfield, IL 62794-9276
217/782-2027

The full text of the Rule begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE C: WATER POLLUTION

CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 370

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AUTHORITY: Implementing Sections 4 and 39 and authorized by Section 39 of the Environmental Protection Act [415 ILCS 5/4 and 39].

SOURCE: Adopted at 4 Ill. Reg. 14, P. 224, effective March 31, 1980; codified at 4 Ill. Reg. 19430; recodified at 18 Ill. Reg. 6375; amended at 21 Ill. Reg. 1244, effective April 2.

NOTE: In this Part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

SUBPART A: INTRODUCTION

Section 370.100 Purpose Introduction

47 The purpose of this Part is to establish criteria for the design and operation of plans and specifications for wastewater collection and treatment systems. Pursuant to authority under Illinois Revised Statutes 1983-chv-1111 1/2, Section 14039, and under 35 Ill. Adm. Code 309.262, I-04-Chapter 33-Water Pollution--Section 96777--the Illinois--Environmental--Protection--Agency thereafter "Agency"--promulgates these sewage works design criteria by these design criteria are to be used for the design and preparation of plans and specifications for sewage works insofar as the standards apply to the design and preparation of plans and specifications for an individual plant.

47 These design criteria apply to conventional design concepts for sewage collection and treatment systems. Non-conventional concepts or approaches to collection and treatment, particularly for very small systems, are not included. Where such systems are being considered the Agency should be contacted for any design guidance that may be available.

47 Failure to describe or to identify criteria for a process herein does not imply that such a process may not be used, but only that the Agency will consider the specific information submitted with the unique process design in making its review. Attention is directed to the provisions of Section 370.143(b) for situations involving new process evaluation.

47 These criteria are intended to establish limiting values for those design parameters that are not specifically regulated throughout the project or for practicable limits for the design of the project. For projects over 100 million gallons per day (mgd)--the application of specific design parameters in these criteria should be evaluated on a unit-by-unit basis to insure optimum design performance and cost-effective construction. In applying these criteria consideration must be given to the characteristics (including current water quality) of the receiving stream and its uses in order to insure compliance with the Rules and Regulations of the Illinois Pollution Control Board thereafter applicable. Users should also be cognizant of Federal requirements.

47 The word "shall" is used where practice is sufficiently standardized

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to variant compliance with specific requirements, or where a design, public health, safety, or quality justification is required. Words such as "shall," "must," "use," "preferred," "indicate desirable procedures or methods with deviations subject to individual project consideration; 97 Definitions of terms and their use are intended to be in accordance with the GLOSSARY, WATER AND WASTEWATER CONTROL ENGINEERING, jointly prepared by the American Public Health Association (APHA), American Water Works Association (AWWA), American Society of Consulting Engineers (ASCE), and Water Pollution Control Federation (WPCF); the units of expression are in accordance with the WPCF Manual of Practice Number 6, Units of Expression for Wastewater Treatment;

(Source: Amended at 21 Ill. Reg. 1244, effective April 2, 1991)

Section 370.110 Scope and Applicability

- These design criteria apply to conventional design concepts for wastewater collection and treatment systems, where non-conventional concepts or approaches to collection and treatment, particularly for very small systems, are being considered, the Agency should be contacted for any design guidance that may be available.
- In evaluating plans and specific information submitted with the design, the Agency will consider the specific information submitted with the design in accordance with the provisions of Section 370.520(b) for situations involving new process evaluation.
- These criteria are intended to establish limiting values for those aspects of plans and specifications which the Agency evaluates and to promote, as far as practicable, uniformity of practice throughout the State. For projects with a design flow average of over 100 million gallons per day, the Agency will consider the application of specific design parameters in these criteria should be made in order to insure optimum design performance and cost effective construction. In applying these criteria, consideration must be given to the characteristics (including current water quality) and uses of the receiving stream in order to insure compliance with the applicable regulations of the Illinois Pollution Control Board (hereinafter "IPCB"). Users should also be cognizant of Federal requirements.
- The word "shall" is used where practice is sufficiently standardized to warrant compliance with specific requirements, or where safeguarding the public health or protecting water quality justifies such definite action. Words such as "should," "recommended" or "preferred" indicate desirable procedures or methods with deviations subject to individual project consideration.
- Definitions of terms and their use are intended to be in accordance with the GLOSSARY, WATER AND WASTEWATER CONTROL ENGINEERING, jointly prepared by the American Public Health Association (APHA), American

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Water Works Association (AWWA), American Society of Civil Engineers (ASCE), and Water Environment Federation (WEF). The units of expression are in accordance with the WPCF Manual of Practice Number 6, Units of Expression for Wastewater Treatment.

(Source: Amended at 21 Ill. Reg. 1244, effective April 2, 1991)

Section 370.115 Incorporations by Reference

- The following materials are incorporated by reference: 1) "Glossary: Water and Wastewater Control Engineering", Joint Editorial Board of the American Public Health Association, American Society of Civil Engineers, American Society of Consulting Engineers, American Water Works Association, American Society of Environmental Engineers and Technicians, and Water Pollution Control Federation, 1961; 2) ASTM Standards, American Society for Testing and Materials, 100 Bar Harbor Drive, West Conshohocken PA; 3) ASTM C12-95 -- "Standard Practice for Installing Vitrified Clay Pipe Lines", Vol. 04.05, Chemical Resistant Materials, Vitrified Clay, Concrete, Fiber-Cement Products; Mortars; Masonry (1996); 4) ASTM C594-94 -- "Standard Practice for Infiltration and Exfiltration Acceptance Testing of Installed Precast Concrete Pipe Sewer Lines", Vol. 04.05, Chemical Resistant Materials, Vitrified Clay, Concrete, Fiber-Cement Products; Mortars; Masonry (1995); 5) ASTM C124 -- "Standard Test Method for Concrete Sewer Manholes by Non-Destructive Practice (Nuclear Test)", Vol. 04.05, Chemical Resistant Materials, Vitrified Clay, Concrete, Fiber-Cement Products; Mortars; Masonry (1995); 6) ASTM D3231 -- "Standard Practice for Underground Installation of Thermoplastic Pipe for Sewers and Other Gravity-Flow Applications", Vol. 08.04, Plastic Pipe and Building Products (1995); 7) "AWWA Standard for Installation of Ductile-Iron Mains and their Appurtenances", ANSI/AWWA C500-93 (1994) American Water Works Association, 6666 Quincy Avenue, Denver CO 80235; 8) "National Electrical Code Handbook", 7th ed. (1995), National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9100, Quincy MA 02269-9100; 9) "Standard Specifications for Water and Sewer Main Construction in Illinois", 5th ed. (1993), Illinois Society of Professional Engineers, 500 North Dearborn Street, Chicago, IL 60610; 10) "Standard Specifications for Water and Sewer Main Construction in Illinois", Underground Contractors Association; 11) "Standard Specifications for Road and Bridge Construction"

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- (1997), Illinois Department of Transportation.
 2) Manuals of Practice, Joint Task Force of the Water Environment Federation (WEF) (formerly Water Pollution Control Federation), 601 Wythe Street, Alexandria, VA 22314-1994 and the American Society of Civil Engineers (ASCE), 345 East 47th Street, New York, NY 10017-2398.

"Gravity Sanitary Sewer Design and Construction", WPCF Manual of Practice (MOP) No. PD-5 (1982).

"Units of Expression for Wastewater Management", WEF Manual of Practice (MOP) No. 6 (1982).

"Manual of Municipal Wastewater Treatment Plants", vol. 1, WEF Manual of Practice (MOP) No. 8 (1992).

- b) The incorporations cited in this Section include no further editions or amendments.

(Source: Added at 21 Ill. Reg. 12460, effective April 2, 1997)

SUBPART B: ENGINEERING REPORTS, PLANS AND SPECIFICATIONS

Section 370.200 General

The criteria in this Subpart B are intended to be the technical basis for the preparation of the engineering reports and plans and specifications for the waste collection and treatment works. The non-technical state-and-federal regulatory requirements--for--planning--are--too--variable--and--expensive--for inclusion--in--these--standards--These criteria will guide the technical design preparation of all applicable waste collection and treatment systems--but--for the project planning requirements, applicable State and Federal guidance, regulations and standards shall be consulted used.

- a) Grant projects
 For projects that will be funded by State and/or Federal grants, applicable appropriate regulations, policy and guidance documents will govern the non-technical requirements and shall be used utilized in the engineering process.

- b) Non Grant Projects
 For those projects which are not covered by applicable State or Federal project planning requirements or for those other projects in which there is no project planning guidance in the applicable State or Federal regulations or statutes, the project planning guidance set forth in Section 370.112 shall be utilized.

(Source: Amended at 21 Ill. Reg. 12460, effective April 2, 1997)

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Section 370.210 Engineering Report

- a) General

- 1) The engineering report assembles basic information; presents design criteria and assumptions; examines alternate projects including preliminary layouts and cost estimates; describes financing methods, user charges and operation and maintenance requirements; reviews and estimates the project requirements; and concludes with proposed project for client consideration; and outlines official actions and procedures to implement the project.
 - 2) The concept, factual data and controlling assumptions and considerations for the functional planning of sewerage facilities are presented for each process unit and for the whole system. These data form the continuing technical basis for the detailed design and preparation of construction plans and specifications.
 - 3) Architectural, structural, mechanical and electrical designs are usually excluded. Sketches may be used to aid in presentation of a project. Outline specifications of process units, special equipment, etc., may be included.
 - 4) Engineering reports are not required for sewer extensions or sewer connections, but shall be required for the following types of projects:
 - A) New trunk lines.
 - B) Expansion or major modification of existing plants.
 - C) New collection systems.
 - D) Major upgrading of existing collection systems.
- b) Content
- 1) Prescribe design period and projected population with adequate justification.
 - 2) Describe the specific service area for immediate consideration and indicate possible extensions and ultimate use.
 - 3) Present data and information on anticipated quantities of flow and wastewater constituents. Data from comparable existing installations may be used to develop the design basis of the proposed facilities and for the project under design. Data may be used in conjunction with procedures set forth in Subparts C, D and E of these standards.
 - 4) Specify the scope and nature of collection system including pump stations and force mains for immediate and ultimate service areas.
 - 5) Discuss various treatment alternatives with reference to optimum treatability and other relevant factors.
 - 6) Develop a detailed basis of design for the recommended treatment process.
 - 7) Indicate compliance with applicable effluent limitations and discuss the impact of the project on receiving waters.

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§1) Indicate compliance with the requirements of the Illinois Groundwater Protection Act (415 ICS 351).

(Source: Amended at 21 Ill. Reg. 12462, effective 1/1/81)

Section 370.211 Design Flows

The following flows shall be identified in the basis of design for sewers, lift stations, sewage treatment plants, treatment units and other wastewater handling facilities.

- a) Design Average Flow
The design average flow is the average of the daily volumes to be received for a continuous 12-month period of the design year, expressed as a volume per unit of time.
- b) Design Maximum Flow
The design maximum flow is the largest volume of flow to be received during a continuous 24-hour period, expressed as a volume per unit of time.
- c) Design Peak Hourly Flow
The design peak hourly flow is the largest volume of flow to be received during a one hour period, expressed as a volume per unit of time.
- d) Design Peak Flow
The design peak flow is the instantaneous maximum flowrate to be received.

(Source: Added at 21 Ill. Reg. 12462, effective 1/1/81)

Section 370.220 Detailed Engineering Plan Drawings Format

- a) General
Detail plans shall contain as necessary, the following:
 - 1) Plan views.
 - 2) Elevation views.
 - 3) Sections and supplementary views which, together with the specifications and general layouts, facilitate construction of the works.
 - 4) Dimensions and relative elevations of structures.
 - 5) Location and outline form of equipment.
 - 6) Location and sizing of piping.
 - 7) Water levels.
 - 8) Ground elevations.
 - 9) Location and identification of all private and public water supply wells (refer to Section 370.210(b)(8)). Structures and facilities (refer to Section 370.350(b)(1)(A)).

10) 97 Descriptive notations as necessary for clarity.

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b) Plans of Sewers

- 1) General Plan
Except as provided in subsection (b)(1)(C) below, a preliminary plan of the existing and proposed sewers shall be submitted for review and approval by the Department of Public Works. Substantial additions to existing systems except as provided in subsection (b)(1)(C). This plan shall show the following:

- A) Geographical Features
 - i) Topography and elevations: Existing or proposed streets and all streams or water surfaces shall be clearly shown. Contour lines at suitable intervals should be included.
 - ii) Streams: The direction of flow in all streams, and high and low water elevations of all water surfaces at sewer outlets and overflows shall be shown.
 - iii) Boundaries: The boundary lines of the municipality and the sewer district or area to be sewered shall be shown.
- B) Sewage Flow
The plan shall show the location, size and direction of flow of all existing and proposed sanitary and combined sewers draining to the treatment works concerned.
- C) Sewer Atlas
The comprehensive plan of the existing sewers described above need not be submitted in each case if the system owner has furnished the Agency a copy of its sewer atlas showing the information required by subsection (b)(1). The project submittal, however, must include all the proposed work, and must be accompanied by a location map showing the proposed project and the route of the outlet sewer to the receiving plant, where necessary.

- 2) Detail Plans
Detail plans shall be submitted. Profiles should have a horizontal scale of not more than 100 feet to the inch and a vertical scale of not more than 10 feet to the inch. Plan views should be drawn to a corresponding horizontal scale. Plans and profiles shall show:
 - A) Location of streets and sewers.
 - B) Line of ground surface, size, material and type of pipe, length between manholes, invert and surface elevation at each manhole, and grade of sewer between each two adjacent manholes. All manholes shall be numbered on the plan and correspondingly numbered on the profile.
 - C) Except where overhead sewers are required by local ordinance, if there is any question of the sewer being sufficiently deep to serve any residence, the elevation and location of the basement floor shall be plotted on the profile of the sewer which is to serve the house in

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- fabrication of the project.
- 2) The type, size, strength, operating characteristics and rating of pump.
 - 3) Block and infiltration.
 - 4) The complete requirements for all mechanical and electrical equipment, including machinery, valves, piping and jointing of pipe.
 - 5) Electrical apparatus, wiring and meters.
 - 6) Laboratory fixtures and equipment.
 - 7) Operating tools.
 - 8) Construction materials.
 - 9) Special filter materials such as stone, sand, gravel or slag.
 - 10) Chemicals when used.
 - 11) Miscellaneous appurtenances.
 - 12) Instruction for testing materials and equipment as necessary.
 - 13) Availability of soil borings information.

(Source: Amended at 21 Ill. Reg. 1244, effective 12/4/71)

Section 370.250 Operation During Construction

Specifications shall contain a time schedule describing the plant and collection system operational modes during construction. Where units essential to effluent quality are involved, temporary measures, such as wet hauling, sludge storage lagoons and portable pumping facilities shall be included in the specifications so as to ensure continuity of operation as required and approved by the Agency.

(Source: Amended at 21 Ill. Reg. 1244, effective 12/4/71)

Section 370.260 Engineers Seal

Plans and specifications, prepared by an Illinois Registered Professional Engineer when required by Section 14 of the provisions of the Illinois Professional Engineering Act [23 ILCS 325/14] (1987-Rev-1981; Ch. 117, par. 1-4; et seq.), fully describing the design, nature, function and interrelationship of each individual component of the facility or source, shall be submitted, except that the Agency may waive this requirement for plans and specifications when the application is for a routine renewal.

(Source: Amended at 21 Ill. Reg. 1244, effective 12/4/71)

SUPPART C: DESIGN OF SEWERS

Section 370.300 General Considerations

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- a) Type of Sewers
The Agency will approve plans for new sewer systems and extensions only when designed as the separate sanitary sewer system. Precipitation runoff and ground water from foundation drains are excluded. The Agency will not approve the installation of new combined sewers, except as provided in 35 Ill. Adm. Code 306.302 for by-the-applicable-PEB-Regulations.

- b) Design Period
Sewer systems should be designed for the estimated ultimate tributary population, except in considering parts of the systems that can be readily increased in capacity. Similarly, consideration should be given to the maximum anticipated capacity of institutions, industrial parks, etc.

- c) Design Factors
In determining the required capacities of sanitary sewers, the following factors should be considered:
 - 1) Peak flow. Instantaneous-peak-sewage-flow.
 - 2) Additional design peak maximum-sewage-or-waste flow from industrial plants.
 - 3) Ground water infiltration.
 - 4) Topography of area.
 - 5) Location of waste treatment plant.
 - 6) Depth of excavation.
 - 7) Pumping requirements.

(Source: Amended at 21 Ill. Reg. 1244, effective 12/4/71)

Section 370.310 Design Basis

- a) Per Capita Flow
1) New sewers for undeveloped areas shall be designed on the basis of a design average daily flow of not less than 100 gallons per capita per day which is assumed to cover normal infiltration, but an additional allowance should be made where conditions are unfavorable.

- 2) New sewers for existing developed areas
For new sewers designed to serve existing developed areas, the design average flow per capita (100 gpd) flow shall be appropriately increased to allow for inflow/infiltration contributions from the existing buildings other than roof and foundation drains which shall be excluded in accordance with Section 370.121(a).

- b) Design Peak Design Flow
1) The design peak flow for sanitary sanitary sewers shall be selected based on designed-on-a-peak-design-flow-basis-using one of the following methods:

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- A) The ratio of peak to average daily flow as determined from Appendix D, Figure No. 1.
- B) Values established from an infiltration/inflow study acceptable to the Agency.
- 2) Use of other values for the peak design flow will be considered if justified on the basis of extensive documentation.
- 3) Combined Sewer Interceptors
- Intercepting sewers, in the case of combined sewer systems, should fulfill the above requirements for sewers and have sufficient additional capacity to transport the increment of sewage required by the IPCS Regulations.
- c) Alternate Methods from subsections (a) and (b) are proposed, a description of the procedure used for sewer design shall be included in the submission of plan documents.
- d) Basis of Design and Calculations
- The basis of design for all sewer projects shall accompany the plan documents. Calculations shall be submitted to show that sewers will have sufficient hydraulic capacity to transport at the design peak flows.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 370.220 Details of Design and Construction

- a) Minimum Manhole Size
- No public gravity sewer conveying raw sewage shall be less than 8 inches in diameter.
- b) Depth
- Sewers shall be sufficiently deep to prevent freezing. Sewers should be sufficiently deep to serve basements except where overhead sewers are required by local ordinances or will be provided.
- 1) Minimum Cover
- The minimum cover of sewers shall be no less than 3 feet unless special structural protection is provided.
- 2) Buoyancy
- Where high ground water conditions are anticipated, buoyancy of sewers shall be considered and, if necessary, adequate provisions should be made for protection.
- c) Slope
- 1) All sewers shall be designed and constructed to give mean velocities, when flowing full, of not less than 2.0 feet per second, based on Manning's Retter's formula using an "n" value of 0.013. The following minimum slopes shall be provided; however, slopes greater than these are desirable:

Minimum Slope in Feet

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Sewer Size	Per 100 Feet	Flow (mgd)
8 inch	0.40	0.49 6-45
10 inch	0.28	0.75 6-76
12 inch	0.22	1.07 1-62
14 inch	0.17	1.43 1-46
15 inch	0.15	1.61 1-59
16 inch	0.14	1.83 1-49
18 inch	0.10	2.23 1-49
20 inch	0.10	2.23 3-28
24 inch	0.08	4.13 4-69
27 inch	0.067	5.17 5-15
30 inch	0.058	6.37 6-36
33 inch	0.050	7.66
36 inch	0.046	9.239-24
42 inch	0.036	12.41

- 2) Under special conditions, if detailed justifiable reasons are given, slopes slightly less than those required for the 2.0 feet per second velocity when flowing full may be permitted. Such decreased slopes will only be considered where the depth of flow will be 0.3 of the diameter or greater for design average flow. Whenever such decreased slopes are selected, the design engineer shall submit a statement showing the conditions of service of flow in such pipes at minimum, design average, and design peak rates of flow. It must be recognized that decreased slopes may cause additional sewer maintenance expense and special linings or materials should be considered for corrosion protection.
- 3) Uniform Slope
- Sewers shall be laid with uniform slope between manholes.
- 4) Steep Slope Protection
- Sewers on 20 percent slope or greater shall be anchored securely with concrete anchors or equal, spaced as follows:
- A) Not over 36 feet center to center on grades 20 percent and up to 35 percent.
- B) Not over 24 feet center to center on grades 35 percent and up to 50 percent.
- C) Not over 16 feet center to center on grades 50 percent and over.
- d) Alignments
- 1) Straight Alignments
- Except as noted in subsection (d)(2), all sewers shall be laid with straight alignments between manholes.
- 2) Curvilinear Alignments
- Curvilinear sewers are permitted in special cases provided the following minimum requirements are met:
- A) Curvilinear Sewers 24 inches in Diameter and Smaller
- i) Location: Curvilinear alignments should follow the

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used for all rigid pipe provided the proper strength pipe is used with the specified bedding to support the anticipated load.

- i) Bedding Class I, II, or III, as described in ASTM D-1201, "Standard Practice for Underground Installation of Gravity Pipes and Structures," or "Gravity-Pipe Applications" (1996) (no later additions or amendments) 74----(ANSI)---665-1747 or Standard Specifications for Water and Sewer Main Construction in Illinois, 5th ed. (1996) (no later additions or amendments), or WPCF MOP No. PD-5 (1982)(no later additions or amendments) shall be used for all flexible pipe provided the proper strength pipe is used with the specified bedding to support the anticipated load.

D) Backfill

- i) Backfill shall be of a suitable material removed from excavation except where other material is specified. Debris, frozen material, large clods or stones, organic matter, or other unstable materials shall not be used.
- ii) Backfill shall be placed in such a manner as not to disturb the alignment of the pipe.
- iii) For flexible pipe, as a minimum, backfill material shall be placed and carefully compacted in accordance with ASTM D2321-89 (1996) B9331-74 to provide the necessary support for the pipe.

3) Deflection Testing of Flexible Pipe.

- A) The design specifications shall provide that the first 1200 feet of sewer and at least 10% of the remainder of the sewer project shall be deflection tested. The entire length of a sewer of less than 1200 feet shall be deflection tested. For selected portions of the project to be deflection tested, such portions shall consist of the manhole intervals in the entire length of sewer and not less than 10% of the entire length of sewer. The test shall be run using a rigid ball or mandrel, it shall have a diameter equal to 93% of the inside or base diameter of the pipe as established in the proposed ASTM standard to which the pipe is manufactured B-9034. The test shall be performed without mechanical pulling devices.
- C) The individual lines to be tested shall be so tested for final acceptance no sooner than 30 days after they have been installed.
- D) Whenever possible and practical, the testing shall initiate at the downstream lines and proceed towards the upstream lines.
- E) No pipe shall exceed a deflection of 5%.
- F) In the event that the deflection exceeds the 5% limit in 10%

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or more of the manhole intervals tested, the total sewer project shall be tested.

h) Joints and Infiltration

- 1) Joints
The type and method of making joints and the materials used shall be specified in the design specifications. All joints shall be made in accordance with the specifications for the pipe. The design specifications shall specify the type of joint to be used. The design specifications shall specify the type of joint to be used. The design specifications shall specify the type of joint to be used.

2) Leakage Testing

- A) Test Sections
The design specifications shall provide that the first 1200 feet and at least 10% of the remainder of the sewer project shall be tested for leakage. The entire length of a sewer of less than 1200 feet shall be tested for leakage. In the event that 10% or more of the manhole intervals tested do not pass the leakage test, the entire sewer project shall be tested.

B) Testing Methods

- i) The leakage outward or inward (exfiltration or infiltration) shall not exceed the following limits in gallons per inch of pipe diameter per mile per day for any section of the system:
Exfiltration: 240
Infiltration: 200
- ii) An exfiltration or infiltration test shall be performed with a minimum positive head of 2 feet.

C) Water Testing

- i) The leakage outward or inward (exfiltration or infiltration) shall not exceed the following limits in gallons per inch of pipe diameter per mile per day for any section of the system:
Exfiltration: 240
Infiltration: 200
- ii) An exfiltration or infiltration test shall be performed with a minimum positive head of 2 feet.

- iii) Air testing air test shall, as a minimum, conform to the test procedures described in Section 31-1.11A of Standard Specifications for Water and Sewer Main Construction in Illinois, 5th ed. (1996)(no later additions or amendments). ASTM-C-929-767-entitled "Ventative-Recommended Practice for Low-Pressure-Air-Test-of-Vitrified-Clay-Pipe Lines." The specifications shall require that the time required for a pressure drop from 3.5 to 2.5 PSIG not be less than the time specified in the Air Test Table in Appendix C. The testing methods selected should take into consideration the range in groundwater elevations projected and the situation during the test.

i) Service Connections

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Sewer service connections shall meet the same criteria as public sanitary sewers described elsewhere in this Subpart C except as noted in this subsection (1). In subsections (f)(1)-(f)(4): Roof and foundation drain connections to the sewer service connection are prohibited except as provided for in 35 Ill. Adm. Code 306.302. The sewer connection can into the public sewer shall be watertight and shall not protrude into the public sewer. If a saddle type connection is used, it shall be a commercially available device designed to join with the types of pipe that are to be connected. All materials used to make service connections shall be compatible with one another and with the pipe materials to be joined, and shall be corrosion-proof.

- 1) Size service sewers and fittings shall be a minimum of 4 inches in diameter, but will not be less than the diameter of the plumbing pipe from the building.
- 2) Slope Service sewers shall have a minimum slope of 1%.
- 3) Alignment When straight line alignment is not maintained on service connections, cleanouts or manholes shall be provided at points of changes in alignment.

(Source: Amended at 21 Ill. Reg. 31-1-1, effective January 1, 1987)

Section 370.330 Manholes

- a) Exception As noted in Section 370.123(d)(2), manholes shall be installed at the end of each line; at all changes in grade, size or alignment; at all sewer intersections; and at distances not greater than 400 feet for sewers 15 inches or less, and 500 feet for sewers 18 inches through 30 inches. Distances up to 600 feet may be approved in cases where adequate modern cleaning equipment for such spacing is provided. Greater spacing may be permitted in larger sewers and in those carrying a settled effluent. Manholes may be used only for special conditions and shall not be substituted for manholes nor installed at the end of laterals greater than 150 feet in length.

- b) Type
 - 1) Drop Type A An-outside-drop pipe shall be provided for a sewer entering a manhole where its invert elevation is more than 24 inches above the manhole invert. If an inside drop pipe is used, the manhole diameter shall be large enough to provide a minimum clearance of 18 inches between the pipe and the opposite side of the manhole. Inside drop pipes shall be used only for manholes subject to corrosion-proof fasteners and bands. For sewers 36 inches in diameter or greater, the requirements for a drop pipe do not

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apply if the spring line of the incoming pipe is at or below the spring line of the main sewer. As a minimum, the diameter of the drop pipe shall be at least 2/3 as large as the diameter of the sewer tributary to the drop pipe.

- 2) Non Drop Type Where the difference in elevation between the incoming sewer invert and the manhole invert is less than 24 inches, the manhole invert should be filled to prevent solids deposition.
- c) Diameter
 - 1) For sewers 36 inches in diameter and smaller, the minimum diameter of manholes shall be 48 inches. For sewers larger than 36 inches in diameter, the manhole diameter at the invert shall be sufficient to accept the incoming pipe, and the manhole riser barrel diameter shall be a minimum of 48 inches.
 - 2) A minimum access lid diameter of 24 inches shall be provided.
- d) Flow Channel The flow channel through manholes should be made to conform in shape and slope to that of the sewers. A bench shall be provided which should have a minimum slope of 2 inches per foot.
- e) Watertightness
 - 1) Construction Requirements Watertight manhole covers shall be used wherever the manhole tops may be flooded by surface runoff or high water or are below cover. Pickholes shall not be larger than 1 inch in diameter or shall be of the concealed type. Construction lifting hoists on manhole ladders shall be attached to the outside and the hoist waterproofed joints of the manhole structure shall be watertight. "O" rings or other equally watertight connections shall be provided. Pickholes shall not be larger than 1-inch-in-diameter or shall be of the concealed type.
 - 2) Inspection The specifications shall include a requirement for inspection and leakage testing of all manholes for watertightness in accordance with ASTM C959-94--"Standard Practice for Infiltration and Exfiltration Acceptance Testing of Installed Precast Concrete Pipe Sewer Lines", Vol. 04.05, Chemical Resistant Materials, Vitrified Clay, Concrete, Fiber-Cement Products, Mortars, Masonry (1996) (no later editions or amendments) or ASTM C1241-93 (Standard Test Method for Concrete Sewer Manholes by the Negative Pressure Vacuum Test)", Vol. 04.05, Chemical Resistant Materials, Vitrified Clay, Concrete, Fiber-Cement Products, Mortars, Masonry (1996) (no later editions or amendments) prior to placing into service.

(Source: Amended at 21 Ill. Reg. 31-1-1, effective August 2, 1987)

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Section 370.340 Sewers in Relation to Streams

a) Location of Sewers on Streams

1) Cover Depth

A) The top of all sewers entering or crossing streams shall be at a sufficient depth below the natural bottom of the stream bed to protect the sewer line. In general the following cover requirements must be met:

- i) One foot of cover is required where the sewer is located on a paved stream bed.
- ii) Three feet of cover is required in other material. In major streams, more than three feet of cover may be required.
- iii) In paved stream channels, the top of the sewer line should be placed below the bottom of the channel pavement.

B) Less cover will be approved only if the proposed sewer crossing will not interfere with the future improvements to the stream channel. Reasons for requesting less cover should be given in the project proposal.

2) Horizontal Location

Sewers located along streams shall be located outside of the stream bed and sufficiently removed therefrom to provide for future possible stream widening and to prevent pollution by silt during construction.

3) Structures

The sewer outfalls, headwalls, manholes, gate boxes, or other structures shall be located so they do not interfere with the free discharge of flood flows of the stream.

4) Alignment

Sewers crossing streams should be designed to cross the stream as nearly perpendicular to the stream flow as possible and shall be designed without change in grade. Sewer systems shall be designed to minimize the number of stream crossings.

b) Construction

1) Materials and Backfill

A) Sewers entering or crossing streams shall be constructed of cast or ductile iron pipe with mechanical joints and shall be capable of absorbing pipe movement and joint deflection without any loss of watertightness. Sewers shall not be constructed of materials which will cause siltation, changes in alignment or grade.

B) The backfill used in the trench shall be coarse aggregate, gravel, or other materials which will not cause siltation, pipe damage during placement or chemical corrosion in place.

2) Siltation and Erosion
Construction methods that will minimize siltation and erosion shall be employed. The design engineer shall include in the

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Section 370.350 Protection of Water Supplies

a) Water Supply Interconnections

There shall be no physical connections between a public or private potable water supply system and a sewer, or appurtenance thereto, which would permit the passage of any sewage or polluted water into the potable supply.

b) Location Relative to Water Works Structures

1) Location and Soil Condition

A) The engineering plan documents shall show the location of all existing water works structures (basins, wells, other treatment units, etc.) that are within 200 feet of the proposed sewer.

B) The engineering plan documents shall show the location of all existing water works structures (basins, wells, other treatment units, etc.) that are within 200 feet of the proposed sewer.

C) The engineering plan documents shall show the location of all existing water works structures (basins, wells, other treatment units, etc.) that are within 200 feet of the proposed sewer.

D) The engineering plan documents shall show the location of all existing water works structures (basins, wells, other treatment units, etc.) that are within 200 feet of the proposed sewer.

E) The engineering plan documents shall show the location of all existing water works structures (basins, wells, other treatment units, etc.) that are within 200 feet of the proposed sewer.

F) The engineering plan documents shall show the location of all existing water works structures (basins, wells, other treatment units, etc.) that are within 200 feet of the proposed sewer.

G) The engineering plan documents shall show the location of all existing water works structures (basins, wells, other treatment units, etc.) that are within 200 feet of the proposed sewer.

H) The engineering plan documents shall show the location of all existing water works structures (basins, wells, other treatment units, etc.) that are within 200 feet of the proposed sewer.

I) The engineering plan documents shall show the location of all existing water works structures (basins, wells, other treatment units, etc.) that are within 200 feet of the proposed sewer.

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M) The engineering plan documents shall show the location of all existing water works structures (basins, wells, other treatment units, etc.) that are within 200 feet of the proposed sewer.

N) The engineering plan documents shall show the location of all existing water works structures (basins, wells, other treatment units, etc.) that are within 200 feet of the proposed sewer.

O) The engineering plan documents shall show the location of all existing water works structures (basins, wells, other treatment units, etc.) that are within 200 feet of the proposed sewer.

P) The engineering plan documents shall show the location of all existing water works structures (basins, wells, other treatment units, etc.) that are within 200 feet of the proposed sewer.

Q) The engineering plan documents shall show the location of all existing water works structures (basins, wells, other treatment units, etc.) that are within 200 feet of the proposed sewer.

R) The engineering plan documents shall show the location of all existing water works structures (basins, wells, other treatment units, etc.) that are within 200 feet of the proposed sewer.

S) The engineering plan documents shall show the location of all existing water works structures (basins, wells, other treatment units, etc.) that are within 200 feet of the proposed sewer.

T) The engineering plan documents shall show the location of all existing water works structures (basins, wells, other treatment units, etc.) that are within 200 feet of the proposed sewer.

U) The engineering plan documents shall show the location of all existing water works structures (basins, wells, other treatment units, etc.) that are within 200 feet of the proposed sewer.

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- B) Soil conditions in the vicinity of the water works structures shall be investigated and depicted on the plans.
- 2) Minimum Distances
- The following minimum distances apply to clay and loam soils and, as a minimum, shall be doubled for sand. In areas where creviced limestone or gravel may be encountered, the Agency shall be contacted for a determination as to what minimum separation distances and special construction will be required.
- A) Non-water-tight sewers and sewer appurtenances such as manholes and wetwells shall not be located closer than 50 feet from water works structures.
- B) Sewers located closer than 50 feet to water works structures shall be constructed with water main quality pipe and joints shall comply with 35 Ill. Adm. Code 653.119. Sewers shall also be constructed with water main quality pipe and joints for Installation of Ductile-Iron Water Mains and their Appurtenances, ANSI/AWWA C600-93 (1994), (no later editions or amendments), for a working pressure equal to or greater than the maximum possible surcharge head to assure watertightness prior to backfilling. No sewer shall be located closer than 10 feet from water works structures.
- C) Cast-iron pipe-sewers with leaded or mechanical joints shall not be located closer than 25 feet from water works structures.
- E) Sewers constructed of extra-heavy cast-iron pipe or asbestos cement pressure pipe or pre-stressed concrete pipe with pressure tested leaded mechanical or slip-on joints shall not be located closer than 10 feet from water works structures.
- C) Relation to Water Mains
- 1) Horizontal and Vertical Separation
- A) Whenever possible, a sewer must be at least ten feet horizontally from any existing or proposed water main.
- B) Should local conditions exist which would prevent a lateral separation of ten feet, a sewer may be closer than ten feet to a water main provided that the water main invert is at least eighteen inches above the crown of the sewer, and is either in a separate trench or in the same trench on an undisturbed earth shelf located to one side of the sewer.
- C) If it is impossible to obtain proper horizontal and vertical separation as described above, both the water main and sewer must be constructed with water main quality pipe and joints that comply with 35 Ill. Adm. Code 653.119 and shall be pressure tested in accordance with "AWWA Standard for Installation of Ductile-Iron Water Mains and their Appurtenances," ANSI/AWWA C600-93 (1994) (no later editions or amendments), for a working pressure equal to or greater than the maximum possible surcharge head to assure

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- watertightness before backfilling, of slip-on or mechanical joint, cast-iron pipe, asbestos cement pressure pipe, pre-stressed concrete pipe or PVC pipe complying with the public water supply design standards of the Agency, and be pressure tested to assure watertightness before backfilling.
- 2) Water-Sewer Line Crossings
- A) Whenever possible, sewers crossing water mains shall be laid with the sewer below the water main with the crown of the sewer a minimum of 18 inches below the invert of the water main. The vertical separation shall be maintained on each side of the crossing until the perpendicular distance from the water main to the sewer is at least 10 feet. The crossing shall be arranged so that the sewer joints will be upstream and as far as possible from the water main. Sewer joints shall be sealed with a water main quality sealant. Refer to Appendix H, Drawing No. 1, Sewer-crossing water mains shall be laid to provide a minimum vertical distance of 18 inches between the outside of the water main and the outside of the sewer. This shall be the case where the water main is either above or below the sewer. The crossing shall be arranged so that the sewer joints will be equidistant and as far as possible from the water main joints. Where a water main crosses under a sewer, adequate structural support shall be provided for the sewer to prevent damage to the water main.
- B) Where a sewer crosses under a water main and it is not possible to provide an 18-inch vertical separation, the following special installation methods shall be specified (refer to Appendix H, Drawing No. 2, Sewer-crossing water mains to obtain proper horizontal and vertical separation as stipulated above, one of the following methods must be specified:
- 1) The sewer shall either be constructed with water main pipe and joints that comply with 35 Ill. Adm. Code 653.119 and shall be pressure tested in accordance with "AWWA Standard for Installation of Ductile-Iron Water Mains and their Appurtenances," ANSI/AWWA C600-93 (1994) (no later editions or amendments) for a working pressure equal to or greater than the maximum possible surcharge head or shall be encased in a carrier pipe with the ends sealed that, along with the joints, complies with 35 Ill. Adm. Code 653.119. The sewer shall be designed and constructed equal to water pipe pressure tested to assure water-tightness.
- ii) The water main quality sewer or carrier pipe shall extend on each side of the crossing to a point where

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the perpendicular distance from the water main to the sewer is at least 10 feet. Either the water main or the sewer line may be encased in a watertight carrier pipe which extends 40 feet on both sides of the crossing measured at the center of the water main. The carrier pipe must be constructed in accordance with the provisions of the Illinois Water Main Construction Act set forth in the Technical Policy Statements of the Agency's Division of Public Water Supply.

iii) For the carrier pipe, omit the select granular grade and granular backfill to one foot over the crown of the sewer and use selected excavated material (Class IV) and compact to 95% of Standard Proctor maximum density. iv) Point loads between the sewer or sewer casing and the water main are prohibited.

v) Adequate support shall be provided for the water main to prevent damage due to settling of the sewer trench.

c) Where it is not possible for a proposed sewer to cross under an existing water main, the sewer shall be installed using construction methods to avoid excavation (C)(2)(a) above and shall require that any select granular backfill above the crown of the water main be removed within the width of the proposed sewer trench and be replaced with select excavated material (Class IV) compacted to 95% of Standard Proctor maximum density. Where a proposed sewer must cross over a proposed water main, an 18-inch vertical separation shall be maintained. Refer to Appendix H, Drawing No. 3.

3) Sewer Manhole Separation From Water Main
No water pipe shall pass through or come into contact with any part of a sewer manhole.

(Source: Amended at 21 Ill. Reg. 12.4, effective April 2, 1989.)

SUBPART D: SEWAGE PUMPING STATIONS

Section 370.410 Design

The following items should be given consideration in the design of sewage pumping stations:

- a) Type
Sewage pumping stations in general use fall into three types: wet well/dry well, submersible, and suction lift.
- b) Structures
 - 1) Separation
Dry wells, including their superstructure, shall be completely separated from the wet well. Common walls must be daylight.

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- 2) Pump Removal
Provision shall be made to facilitate removing pumps and motors.
- 3) Access and safe means of access shall be provided to dry wells and to wet wells. Access to wet wells containing either bar screens or mechanical equipment requiring inspection or maintenance shall conform to Section 370.600(a)(2)(C).
- 3) For built-in-place pump stations, a stairway to the dry well with rest landings shall be provided at vertical intervals not to exceed 12 feet. For factory-built pump stations over 15 feet deep, a rigidly fixed landing shall be provided at vertical intervals not to exceed 10 feet. Where a landing is used, a suitable and rigidly fixed barrier shall be provided to prevent an individual from falling past the intermediate landing to a lower level. A manlift or elevator may be used in lieu of landings in a factory-built station, provided emergency access is included in the design.
- 4) Buoyancy
Where high ground water conditions are anticipated, buoyancy of the sewage pumping station structures shall be considered and, if necessary, adequate provisions shall be made for protection.

c) Pumps and Pneumatic Ejectors

- 1) Multiple Units
Multiple pumps or ejector units shall be provided. Where only two units are provided, they shall be of the same size. Units shall have capacity such that, with any unit out of service, the remaining units will have capacity to handle the design peak maximum sewage flows. A single pump equipped with an audio-visual alarm system to warn of failure may be used when the pump is the only one in the facility dwelling.

- 2) Pump Handling
a) Pump handling combined sump shall be preceded by readily accessible bar racks to protect the pumps from clogging or damage. Bar racks should have clear openings not exceeding 1 inch. Where a bar rack is provided, a mechanical hoist shall also be provided. Where the size of the installation warrants, mechanically cleaned and/or duplicate bar racks shall be provided.

- b) Pumps handling separate sanitary sewage from 30 inch or larger diameter sewers shall be protected by bar racks meeting the above requirements. Appropriate protection from clogging shall also be considered for small pumping stations.

- 3) Pump Openings
Pumps handling raw sewage shall be capable of passing spheres of at least 3 inches in diameter. Pump suction and discharge

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openings shall be at least 6 inches in diameter. Grinder pumps that do not meet these requirements may be used solely for lift stations with a capacity of 70 gpm or less with the largest unit out of service.

- 4) Priming
The pump shall be so placed that under normal operating conditions it will operate under a positive suction head, except as specified in Section 370.133.
- 5) Electrical Equipment
Electrical systems and components (e.g., motors, lights, cables, conduits, switchboxes, control circuits, etc.) in raw sewage wet wells, or in enclosed or partially enclosed spaces where hazardous concentrations of flammable gases or vapors may be present, shall comply with the National Electrical Code requirements for Class I, Division 2 locations. In addition, all electrical equipment shall be installed in wet wells for use under corrosive conditions. Each flexible cable shall be provided with water-tight seal and separate strain relief. A fused disconnect switch located above ground shall be provided for all pumping stations. When such equipment is exposed to weather, it shall meet the requirements of weatherproof equipment (National Electric Manufacturers Association (NEMA) 3R or 4).
- 6) Intake
Each pump shall have an individual intake. Wet well and intake design should be such as to avoid turbulence near the intake and to prevent vortex formation.

- 7) Dry Well Dewatering
Duplicate sump pumps equipped with dual check valves for each pump shall be provided in the dry well to remove leakage or drainage with discharge above the maximum high water level of the wet well. Wet well sumps shall be equipped with adequate supply and discharge piping. Wet well sumps and discharge piping shall will not be approved. All floor and wall surfaces shall have an adequate slope to a point of drainage. Pump seal leakage shall be piped or channeled directly to the sump. The sump pumps shall be sized to remove the maximum pump seal water discharge which would occur in the event of a pump seal failure.

- 8) Pumping Rates
The pumps and controls of main pumping stations, and especially pumping stations operated as part of treatment works, should be selected to operate at varying delivery rates. The transfer-as-a-practice, such stations shall be designed to deliver as uniform flow as practicable in order to minimize hydraulic surges. The peak design flow capacity of the station should be determined in accordance with Sections 370.300(c), 370.310(d) and 370.520+4(c) and should be adequate to maintain a minimum velocity of 2 feet per second in the force main. Refer to Section 370.470(c).

- d) Controls

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Control float tubes and bubbler lines should be so located as not to be unduly affected by turbulent flows entering the well or by the turbulent suction of the pumps. Provision shall be made to automatically alternate the pumps in use.

- e) Valves
Shutoff valves shall be placed on suction and discharge lines of each pump. A check valve shall be placed on each discharge line, between the shutoff valve and the pump. Check valves shall not be located on a vertical rise unless they are specifically designed for such usage.
- f) Wet Wells
 - 1) Divided Wells
Where continuity of pumping station operation is critical, consideration should be given to dividing the wet well into two sections, properly interconnected, to facilitate repairs and maintenance.
 - 2) Size
The design fill time and minimum pump cycle time shall be taken into account in sizing the wet well. The maximum retention time in the wet well shall not exceed 30 minutes. The effective volume capacity of the wet well shall be based on design average flow and a filling time not to exceed 30 minutes unless the facility is designed to provide flow equalization. The pump manufacturer's duty cycle recommendations shall be used in selecting the minimum cycle time. When the anticipated initial flow tributary to the pumping station is less than the ultimate average design flow, provisions should be made so that the holding time indicated is not exceeded for initial flows. When the wet well is designed for flow equalization as part of a treatment plant, provisions should be made to prevent septicity.
 - 3) Floor Slope
The wet well floor shall have a minimum slope of 1 to 1 to the hopper bottom. The horizontal area of the hopper bottom shall be no greater than necessary for proper installation and function of the inlet.
 - 4) Air Displacement
Covered wet wells shall provide for air displacement open to the atmosphere, such as by an inverted "u" tube or similar means.
- g) Ventilation
 - 1) General
Adequate ventilation shall be provided for all pump stations. Where the dry well pump-pit is below the ground surface, mechanical ventilation is required, so arranged-as-to independently-ventilate-the-dry-well-and-the-wet-well-if screens or mechanical equipment requiring maintenance or inspection is located in the wet well, permanently installed ventilation shall be provided to prevent interconnection between the wet well and dry well ventilation systems.
 - 2) Air Inlets and Outlets

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In dry wells pump-pits over 15 feet deep, multiple inlets and outlets should be used ~~are~~ are desirable. Dampers should not be used on exhaust or fresh air ducts and fine screens or other obstructions in air ducts should be avoided to prevent clogging.

3) Electrical Controls
Switches for operation of ventilation equipment should be marked and located conveniently. All intermittently operated ventilation equipment shall be interconnected with the respective pit lighting system. Consideration should be given to the use of automatic controls in intermittent operation. If used, the manual lighting ventilation switch shall override the automatic controls.

4) Fans, Heating and Dehumidification
The fan wheel shall be fabricated from non-sparking material. Automatic heating and dehumidification equipment shall be provided in all dry wells. The electrical equipment and components shall meet the requirements of subsection G(15) above.

5) Wet Wells
Wet well ventilation may be either continuous or intermittent. Ventilation, if continuous, should provide at least 12 complete air changes per hour; if intermittent, at least 30 complete air changes per hour. Air shall be exhausted into the wet well. Portable ventilation equipment shall be provided for use at subsurface pump stations and at wet wells with no permanently installed ventilation equipment.

6) Dry Wells
Dry well ventilation may be either continuous or intermittent. Ventilation, if continuous, should provide at least 6 complete air changes per hour; if intermittent, at least 30 complete air changes per hour. A system of two-speed ventilation with an initial ventilation rate of 30 changes per hour for 10 minutes and an automatic switch-over to 6 changes per hour may be used to conserve heat.

h) Flow Measurement
Suitable devices for measuring sewage flow shall be provided at all pumping stations. If appropriate meters are not available, the flow shall be determined by measuring the discharge lines of each pump. Incenting, totalizing and recording flow measurement shall be provided at pumping stations with a 1200 gpm or greater design peak flow, designed to serve 2500 population—equivalents or more. Elapsed time meters used in conjunction with minimum rate tests may be used for pump stations with a design peak flow of up to 1200 gpm.

i) Water Supply
There shall be no physical connection between any potable water supply and a sewage pumping station which under any conditions might cause contamination of the potable water supply. If a potable water supply

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is brought to the station, it should comply with conditions stipulated under Section 370.146(b)(3). In-line backflow preventers shall not be used.

(Source: Amended at 21 Ill. Reg. 12-3-81, effective AUG 2, 1981)

Section 370.420 Suction-Lift Pump Stations

a) Pump Priming and Lift Requirements
Suction lift pumps shall be of the self-priming or vacuum-priming type and shall meet the applicable requirements of Section 370.132. Suction lift pump stations using dynamic suction lifts exceeding the limits outlined in the following sections may be approved upon submission of factory certification of pump performance and detail calculations indicating satisfactory performance under the proposed operating conditions. Such detailed calculations must include static suction lift as measured from "lead pump off" elevation to center line of pump suction, friction and other hydraulic losses of the suction piping, vapor pressure of the liquid, altitude correction, required net positive suction head, and a safety factor of at least 6 feet.

1) Self-priming Pumps
Self-priming pumps shall be capable of rapid priming and repriming at the "lead pump on" elevation. Such self-priming and repriming shall be accomplished automatically under design operating conditions. Suction piping should not exceed the size of the pump suction and shall not exceed 25 feet in total length. Priming lift at the "lead pump on" elevation shall include a safety factor of at least 4 feet from the maximum allowable priming lift for the specific equipment at design operating conditions. The combined total of dynamic suction lift at the "pump off" elevation and required net positive suction head at design operating conditions shall not exceed 22 feet.

2) Vacuum-priming Pumps
Vacuum-priming pump stations shall be equipped with dual vacuum pumps capable of automatically and completely removing air from the suction lift pump. The vacuum pumps shall be adequately protected from damage due to sewage. The combined total of dynamic suction lift at the "pump off" elevation and required net positive suction head at design operating conditions shall not exceed 22 feet.

b) Equipment, Wet Well Access and Valve Vaulting Location
The pump equipment compartment shall be above grade or offset and shall be effectively isolated from the wet well to prevent the humid and corrosive sewer atmosphere from entering the equipment compartment. Wet well access shall not be through the equipment

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compartment. Wet well access may not be through the equipment compartment and shall be at least 24 inches in diameter. Gasketed replacements shall be provided to cover the opening to the wet well for pump units removed for servicing. Valves having shall not be located in the wet well.

(Source: Amended at 21 Ill. Reg. 123, effective 12/3/95)

Section 370.430 Submersible Pump Stations - Special Considerations

Submersible pump stations shall meet the applicable requirements under Section 370.132, except as modified in this Section.

- a) Construction
 - 1) Submersible pumps and motors shall be designed specifically for raw sewage use, including totally submerged operation during a portion of each pumping cycle, and shall meet the requirements of the National Electrical Code (1995). An effective method to detect shaft seal failure or potential seal failure shall be provided and the motor shall be of square-cage type design without brushes or other arc-producing mechanisms.
 - 2) Pump Removal
 - a) Submersible pumps shall be readily removable and replaceable without disconnecting the wet well or disconnecting any piping in the wet well.
 - b) Electrical
 - 1) Power Supply and Control
 - a) Electrical supply, control and alarm circuits shall be designed to provide strain relief and to allow disconnection from outside the wet well. Terminals and connectors shall be protected from corrosion by location outside the wet well or through use of watertight seals. If located outside, weatherproof equipment shall be used.
 - b) Controls
 - 1) The motor control center shall be located outside the wet well, readily accessible, and be protected by conduit seal or other appropriate measures meeting the requirements of the National Electrical Code, to prevent the atmosphere of the wet well from gaining access to the control center. The seal shall be so located that the motor may be removed and electrically disconnected without disturbing the seal.
 - 2) Power Cords
 - a) Pump motor power cords shall be designed for flexibility and serviceability under conditions of extra hard usage and shall meet the requirements of the National Electric Code (1995) Mine Safety and Health Administration for flexible cords in sewage pump stations training cables. Ground fault interruption protection shall be used to de-energize the circuit in the event of any failure in the electrical integrity of the cable. Power

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cord terminal fittings shall be corrosion-resistant and constructed in a manner to prevent the entry of moisture into the cable, shall be provided with strain relief attachments, and shall be designed to facilitate field fitting connecting.

- d) Valves
 - 1) Valves required under Section 370.132(e) shall be located in a separate valve pit. Provision shall be made to remove accumulated water in valve pits deeper than 12 feet from the ground surface. If ground surface is less than 12 feet from the ground surface, valve pits 4 feet deep or less may be located around the wet well through a trapped and vented drain that meets the applicable requirements found in 77 Ill. Adm. Code 890, "Illinois Plumbing Code". Such pits shall have entrances that fully expose the pit to the atmosphere. Check valves that are integral to the pump need not be located in a separate valve pit provided that the valve can be removed from the wet well in accordance with subsection (b) above. Provision shall be made for the use of portable ventilation equipment during periods of maintenance.

(Source: Amended at 21 Ill. Reg. 123, effective 12/3/95)

Section 370.450 Emergency Operation

- a) Objective
 - 1) The objective of emergency operation is to prevent the discharge of raw or partially treated sewage to any waters and to protect public health by preventing back-up of sewage and subsequent discharge to basements, streets, and other public and private property.
- b) Emergency Pumping Capability
 - 1) Provision of emergency pumping capability is mandatory and may be accomplished by connection of the station to at least two independent utility substations, or by provision of portable or in-place internal combustion engine equipment which will generate electrical or mechanical energy, or by the provision of portable pumping equipment. Emergency standby systems shall have sufficient capacity to start up and maintain the total rated running capacity of the station. Regardless of the type of emergency standby system provided, a riser shall be installed in the liquid section capabilities quick-closing and appropriate valves shall be provided for all lift stations to hook up portable pumps.
 - 2) Emergency High Level Overflows
 - a) For use during possible periods of extensive power outages, mandatory power reductions, or uncontrollable emergency conditions, consideration should be given to providing a controlled, high-level wet well overflow to supplement alarm systems and emergency power generation in order to prevent backup of sewage into basements, or other discharges which may cause severe adverse impacts on public

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interests, including public health and property damage. Where a high level overflow is utilized, consideration shall also be given to the installation of storage/detention tanks, or basins, which shall be made to drain to the station wet well. Where such overflows affect public water supplies or waters used for culinary or food processing purposes, a storage detention basin, or tank, shall be provided having 2-hour detention capacity at the anticipated overflow rate.

d) Equipment Requirements

- 1) General
The following general requirements shall apply to all internal combustion engines used to drive auxiliary pumps, service pumps through special drives, or electrical generating equipment:

- A) The engine must be protected from operating conditions that would result in damage to equipment. Unless continuous manual supervision is planned, protective equipment shall be capable of shutting down the engine and activating an alarm on site and as provided in Section 370.135. Protective equipment shall monitor for conditions of low oil pressure and overheating, except that oil pressure monitoring will not be required for engines with splash lubrication.

- B) Size
The engine shall have adequate rated power to start and continuously operate all connected loads.

- C) Fuel Type
Reliability and ease of starting, especially during cold weather conditions, should be considered in the selection of the engine fuel type.

- D) Engine Ventilation
The engine shall be located above grade with adequate ventilation of fuel vapors and exhaust gases.

- E) Routine Start-up
All emergency equipment shall be provided with instructions indicating the need for regular starting and running of such units at full loads.

- F) Protection of Equipment
Emergency equipment shall be protected from damage at the restoration of regular electrical power.

- 2) Engine - Drive Pumping Equipment
Where permanently-installed or portable engine-driven pumps are used, the following requirements in addition to general requirements shall apply:

- A) Pump Capacity
Engine-driven pumps shall meet the design requirements unless storage capacity is available for flows in excess of pump capacity. Pumps shall be designed for anticipated operating conditions, including suction lift if applicable.

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B) Operation

The engine and pump shall be equipped to provide automatic start-up and operation of pumping equipment unless manual start-up and operation is justified. Provisions shall also be made for manual start-up. Where manual start-up and operation is justified, storage capacity and alarm system must meet the requirements of subsection (d)(2)(C).

C) Portable Pumping Equipment

Where part or all of the engine-driven pumping equipment is portable, sufficient storage capacity shall be provided to portable equipment to ensure sufficient storage capacity for failure and transportation and backup of the portable equipment.

3) Engine-Driven Generating Equipment

Where permanently-installed or portable engine-driven generating equipment is used, the following requirements shall apply in addition to general requirements of subsection (d)(1):

- A) Generating Capacity
 - i) Generating unit size shall be adequate to provide power for pump motor starting current and for lighting, ventilation, and other auxiliary equipment necessary for safety and proper operation of the lift station.
 - ii) The operation of only one pump during periods of auxiliary power supply must be justified. Such justification may be made on the basis of the design load and anticipated flows relative to engine-driven pumps, anticipated length of power outage, and storage capacity.
 - iii) Special sequencing controls shall be provided to start pump motors unless the generating equipment has capacity to start all pumps simultaneously with auxiliary equipment operating.

B) Operation

Provisions shall be made for automatic and manual start-up and load transfer unless only manual start-up and operation is justified. The generator must be protected from operating conditions that would result in damage to equipment. Provisions should be considered to allow the engine to start and stabilize at operating speed before assuming the load. Where manual start-up and transfer is justified, storage capacity and alarm system must meet the requirements of subsection (d)(3)(C).

C)

Where portable generating equipment or manual transfer is provided, sufficient storage capacity shall be provided to allow time for detection of pump station failure and transportation and connection of generating equipment. The use of special electrical connections and double throw switches are recommended for connecting portable generating

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equipment.

- 4) Independent Utility Substations
Where independent substations are used for emergency power, each separate substation and its associated transmission lines must be capable of starting and operating the pump station at its rated capacity.

(Source: Amended at 21 Ill. Reg. 12490.1, effective 4/1/81)

Section 370.470 Force Mains

- a) Velocity and Diameter
At design pumping rates, a cleansing velocity of at least 2 feet per second should be maintained. Lower velocities may be permitted for very small installations. The minimum force main diameter for raw sewage shall be 4 inches except for grinder pump lift stations as allowed under Section 370.410(G)(3).
- b) Air and Vacuum Relief Valve
An air relief valve shall be placed at high points in the force main to prevent air locking. Vacuum relief valves may be necessary to relieve vacuum conditions in force main configurations and head conditions shall be evaluated as to the need for and placement of vacuum relief valves.
- c) Termination
Force mains should enter the gravity sewer system at a point not more than 2 feet above the flow line of the receiving manhole.
- d) Design Pressure
The force mains and fittings, including reaction blocking, shall be designed to withstand normal pressure and pressure surges (water hammer). The need for surge protection chambers shall be evaluated.
- e) Special Construction
Force main construction near streams or water works structures and at water main crossings shall meet applicable provisions of Sections 370.1125 and 370.1126.
- f) Design Friction Losses
1) Friction losses through force mains shall be based on the Hazen Williams formula as modified by the following methods: (a) The Hazen and Williams formula is used, the value for "C" shall be 100 for unlined iron or steel pipe for design. For other smooth pipe materials such as polyvinyl chloride, polyethylene or lined ductile iron, a higher "C" value values not to exceed 120 may be allowed for design.
- 2) When initially installed, force mains will have a significantly higher "C" factor. The effect of the higher "C" factor should be considered only in calculating maximum power requirements and duty cycle time to prevent damage to of the motor.

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g) Identification

- Where force mains are constructed of material which might cause the force main to be confused with potable water mains, the force main shall be appropriately identified.

- h) Flexible Pipe Force Main Embedment
Embedment bedding (haunching and initial backfill as depicted in ASTM D221-89, Figure (1)) shall be in accordance with Section 20-2.21 A and 20-2.21 B of Standard Specifications for Water and Sewer Main Construction in Illinois, 5th ed. (1996) no later editions or amendments.

i) Leakage Testing

- Leakage testing shall be specified, including testing methods and leakage limits.

(Source: Amended at 21 Ill. Reg. 12490.1, effective 4/1/81)

SUBPART E: SEWAGE TREATMENT WORKS

Section 370.500 Plant Location

- a) General
The following items shall be considered when selecting a plant site:
- 1) Proximity to residential areas.
 - 2) Disturbance of existing roads.
 - 3) Necessary routing to provide accessibility by all weather roads.
 - 4) Area available for expansion.
 - 5) Local zoning requirements.
 - 6) Local soil characteristics, geology, and topography available to minimize pumping.
 - 7) Access to receiving stream.
 - 8) Compatibility of treatment process with the present and planned future land use, including noise, potential odors, air quality, and anticipated sludge processing and disposal techniques.
 - 9) The requirements of the Illinois Groundwater Protection Act (415 ILCS 55).
- b) Critical Sites
Where a site must be used which is critical with respect to the items in subsection (a), appropriate measures shall be taken to minimize potential impacts.
- c) Process Protection
The treatment works structures, electrical and mechanical equipment shall be protected from physical damage by the maximum 100 year flood. Treatment works shall remain fully operational during the 25 year flood. This requirement applies to new construction and to existing facilities undergoing major modification. Flood plain regulations of State and Federal agencies shall be considered.
- d) Plant Accessibility

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All plant facilities shall be accessible by an all weather road.

(Source: Amended at 21 Ill. Reg. 1244.1, effective 12-4-81)

Section 370.510 Quality of Effluent

The required degree of wastewater treatment shall be established by reference to applicable effluent and water quality standards contained in 35 Ill. Adm. Code Subtitle C, Chapter I the 1963-regulations unless more stringent limitations have been established.

(Source: Amended at 21 Ill. Reg. 1244.1, effective 12-4-81)

Section 370.520 Design

- a) Type of Treatment
 - 1) As a minimum, the following items shall be considered in the selection of the type of treatment:
 - A) Present and future effluent requirements.
 - B) Location and local topography of the plant site.
 - C) The effects of industrial wastes likely to be encountered.
 - D) Ultimate disposal of sludge.
 - E) System capital costs.
 - F) System operating and maintenance costs and basic energy requirements.
 - G) Existing unit process performance and capacity.
 - H) Process complexity governing operating personnel requirements.
 - I) Environmental impact on present and future adjacent land use.
 - 2) The plant design shall provide the necessary flexibility to perform satisfactorily within the expected range of waste characteristics and volumes.
- b) Required Engineering Data for New Process Evaluation
 - 1) The policy of the Agency is to encourage rather than obstruct the development of any methods or equipment for treatment of wastewaters. The lack of inclusion in these standards of some types of wastewater treatment processes or equipment should not be construed as precluding their use. The Agency may approve other types of wastewater treatment processes and equipment under the condition that the operational reliability and effectiveness of the process or device shall have been demonstrated with a suitably-sized prototype unit operating at its design load conditions, to the extent required.
 - 2) To determine that such new processes and equipment have a reasonable and substantial chance of success, the Agency will

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require the following:

- A) Testing observations, including test results and engineering evaluations, demonstrating the efficiency of such processes.
- B) Detailed description of the test methods.
- C) Testing, including appropriately-composited samples, under various ranges of strength and flow rates (including diurnal variations) and waste temperatures over a sufficient length of time to demonstrate performance under climatic and other conditions which may be encountered in the area of the proposed installations.
- D) Other appropriate information.
- 3) The Agency will require that appropriate testing be conducted and evaluations be made under the supervision of a competent process engineer other than those employed by the manufacturer or developer.
- c) Design Goals
 - 1) Hydraulic Design
 - A) Plans for sewage treatment plants to serve new sewer systems for municipalities or sewer districts shall be based upon a design an average daily flow of at least 100 gallons per capita, to which must be added industrial waste volumes. The design also shall include appropriate allowance for flow conditions determined under Section 370.122.
 - B) Existing Systems

Where there is an existing sewer system, the volume and rates of the existing sewage flows shall be determined. The determination shall include both dry weather and wet weather flows. At least one year's flow data should be used to determine the design flow. The design flow shall be defined in Section 370.122.

 - 1) Annual-average-daily-dry-weather-flow---as-determined-by-average-minimum-daily-flow---as-determined-by-averaging-daily-flows-during-dry-weather-when-infiltration/inflow are-at-a-minimum
 - 2) Wet-weather-peak-flows---as-determined-by-averaging-daily-flows-when-infiltration/inflow-are-at-a-minimum
 - 3) Peak-hourly-flows
 - 4) Normal-diurnal-variations
 - 2) Treatment Plant Design Capacity
 - A) The treatment plant capacity shall be rated on the design annual average daily-dry-weather flow, selected after any sewer system rehabilitation, plus appropriate future growth. The design of treatment units shall be based on peak flows. The design shall include allowance for the design annual average daily-dry-weather flow. For plants subject to high

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wet weather flows or overflow detention runback flows, the design maximum flow that the plant is to treat on a sustained basis must be specified.

2) Organic Design

- A) New Systems Minimum Design
 - i) Domestic treatment design shall be on the basis of at least 0.17 pounds of biochemical oxygen demand (BOD₅) per capita per day and 0.20 pounds of suspended solids per capita per day.
 - ii) When garbage grinders are used in areas tributary to a domestic treatment plant, the design basis should be increased to 0.22 pounds of BOD₅ and 0.25 pounds of suspended solids per capita per day.
 - iii) Domestic waste treatment plants that will receive industrial wastewater flows shall be designed to include these industrial waste loads.

B) Existing Systems

When an existing treatment works is to be upgraded or expanded, organic design shall be based upon the actual strength of the wastewater as determined from measurements taken under the most adverse conditions. The design shall be based upon the actual flow of wastewater as determined under the provisions of subsection (c)(2)(A).

3) Shock Effects

Domestic waste treatment designs shall consider and take into account the shock effect of high concentrations and diurnal peaks for short periods on the treatment process, particularly for small waste treatment plants serving institutions, restaurants, schools, etc.

4) Design by Analogy

Data from similar existing systems may be utilized in the case of new systems; however, thorough investigation and adequate documentation shall be made to establish the reliability and applicability of such data.

d) Conducts

- 1) All piping and channels shall be designed to carry the design flow. The existing sewer shall be designed for unrestricted flow. Bottoms of channels must be filleted. Conduits shall be designed to avoid creation of pockets and corners where solids can accumulate.
- 2) Suitable gates should be placed in channels to seal off unused sections which might accumulate solids. The use of shear gates is permitted where they can be used in place of gate valves or sluice gates. Non-corrodible materials shall be used for these control gates.

e) Arrangement of Units

Component parts of the plant should be arranged for greatest operating convenience, flexibility, economy, continuity of maximum

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quality, and so as to facilitate installation of future units.

- f) Flow Division Control

Flow division control facilities shall be provided as necessary to insure organic and hydraulic loading control to plant process units and to provide for adequate design and operation of the plant during start-up and maintenance. The use of head boxes equipped with sharp-crested weirs or similar devices are recommended. The use of valves for flow splitting is not acceptable. Appropriate flow measurement shall be incorporated in the flow division control design.
- g) Load Flow Equalization and Attenuation
 - 1) Equalization of hydraulic and organic loads to downstream treatment units is recommended where the peak hourly load exceeds 300% of the design average load. Particular attention shall be given to equalization of pumped flows to limit hydraulic surges on downstream units. Practices for the equalization of flows and organic shock loads shall be considered at all plants which are expected to receive loadings in excess of 200 percent of design.
 - 2) Plants proposed to receive sewage wastes from only institutions (hospitals, schools, etc.) shall be designed to handle peak flows which discharge substantially the total flow in 12 hours or less. Plants shall be designed to include flow equalization. Where flow equalization facilities are provided, the design shall include adequate aeration and mixing equipment to prevent septicity.

(Source: Amended at 21 Ill. Reg. 16.000, effective 1-1-63, Article 3)

Section 370.530 Plant Details

- a) Installation of Mechanical Equipment

The specifications shall be so written that the installation and initial operation of major items of mechanical equipment will be inspected and approved supervised by a representative of the purchaser.
- b) Bypasses

Properly located and arranged bypass structures and piping shall be provided so that each unit of the plant can be removed from service independently. The bypass design shall facilitate plant operation during unit maintenance and emergency repair so as to minimize deterioration of effluent quality and insure rapid process recovery upon return to normal operational mode.
- c) Unit Bypass and Wastewater Pumpage During Construction

Final plans and specifications for upgrading or expanding existing treatment plants shall include construction scheduling of any unit bypassing, and appropriate temporary wastewater pumpage acceptable to the Agency to minimize temporary water quality degradation. Refer to Section 370.260 25b.

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- d) Drains and Buoyancy Protection
- 1) Means shall be provided to dewater each unit. Pipes subject to clogging shall be provided with means for mechanical cleaning or flushing.
 - 2) Due consideration should be given to the possible need for hydrostatic pressure relief devices to prevent flotation of structures.
- e) Construction Materials
- Due consideration should be given to the selection of materials which are to be used in sewage treatment works because of the possible presence of hydrogen sulfide and other corrosive gases, greases, oils and similar constituents frequently present in sewage. This is particularly important in the selection of metals and paints. Dissimilar metals should be avoided to minimize galvanic action.
- f) Painting
- The use of paints containing mercury should be avoided. In order to facilitate identification of piping, particularly in the large plants, it is suggested that the different lines be color coded. The following color scheme is recommended for purposes of standardization:
- 1) Sludge line - brown
 - 2) Gas line - orange
 - 3) Potable water line - blue
 - 4) Wastewater line - blue with 3 inch yellow band spaced 30 inches apart
 - 5) Chlorine line - yellow
 - 6) Sewage line - gray
 - 7) Compressed air line - green
 - 8) Water lines for heating digesters or buildings - blue with a 6-inch red band spaced 30 inches apart
 - 9) Sulfur dioxide line - yellow with red bands
- The contents in the piping shall be stenciled on the pipe in a contrasting color.
- 10) The contents shall be stenciled on the pipe, labeling the contents in a contrasting color.
- g) Operating Equipment
- A complete outfit of tools, accessories (such as portable pump and ventilation blowers, etc.), and spare parts necessary for the plant shall be readily accessible and stored in a secure place. The work bench facilities shall be provided. Consideration shall be given to provision of a garage storage area for large equipment storage, maintenance, and repair.
- h) Erosion Control During Construction
- Effective site erosion control shall be provided during construction.
- i) Grading and Landscaping
- Upon completion of the plant, the ground should be graded and seeded. Concrete or gravel walkways should be provided for access to all units. Where possible, steep slopes should be avoided to prevent erosion. Surface water shall not be permitted to drain into any unit.

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Particular care shall be taken to protect trickling filter beds, sludge beds, and intermittent sand filters from storm water runoff. Landscaping shall be provided when a plant must be located near residential areas.

j) Confined Spaces

The number of confined spaces should be minimized for safety purposes.

(Source: Amended at 21 Ill. Reg. 12.111, effective 12.1.11)

Section 370.550 Essential Facilities

a) Emergency Power or Pumping Facilities

1) All plants shall be provided with an alternate source of electric power or pumping capability to allow continuity of operation during power failures. Methods of providing power or pumping capability include:

- A) The connection to at least 2 independent public utility sources such as substations. A power line from each substation into the treatment plant with capability for switchover to the second power source by plant operation. Personnel will be required.
- B) Portable or in place internal combustion engine equipment powered by diesel, gasoline, electrical or mechanical energy. Refer to Section 370.136(d).
- C) Portable pumping equipment when only emergency pumping is required. Refer to Section 370.136(d).
- 2) Standby Generating Capacity Requirements

Standby generating capacity normally is not required for aeration equipment used in the activated sludge process. In cases where a history of long term (4 hours or more) power outages have occurred, auxiliary power for minimum aeration of the activated sludge will be required.

- 3) Degree of Treatment Required

No reduction in degree of treatment due to power outages will be allowed when the wastewater is to be treated by installations using trickling filters, waste stabilization ponds and/or other low energy usage treatment devices.
- 4) Degree of Disinfection Required

The design shall provide for continuous disinfection during all power outages, if required due to critical outfall locations and receiving waters.
- 5) Continuity of Dechlorination

For facilities using dechlorination equipment, the design shall provide for continuous dechlorination during all power outages, if required due to critical outfall locations and receiving waters.
- 6) Water Supply

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1) General

An adequate supply of potable water under pressure should be provided for use in the laboratory and general cleanliness around the plant. No piping or other connections shall exist in any part of the treatment room which, under any conditions of operation, could result in the discharge of any water supply. The chemical quality should be checked for suitability for its intended uses such as heat exchangers, chlorinators, etc.

2) Direct Connections

A) Potable water from a municipal or separate supply may be used directly at points above grade for the following hot and cold supplies:

- i) Laboratory sink
- ii) Water closet
- iii) Laboratory sink (with vacuum breaker)
- iv) Shower
- v) Drinking fountain
- vi) Eye wash fountain
- vii) Safety shower

viii) Fire Protection Sprinklers

B) Hot water from a separate supply may be used directly from a boiler used for supplying hot water to a sludge heat exchanger or digester heating unit.

3) Indirect Connections

A) Where a potable water supply is to be used for any purpose in a plant other than those listed in subsection (b)(2)(A), a break tank, pressure pump and pressure tank shall be provided. Water shall be discharged to the break tank through an air-gap at least 6 inches above the maximum flood line or the spill line of the tank, whichever is higher. A sketch of an acceptable break tank is contained in Appendix G, Figure No. 4. In-line backflow preventers are not acceptable.

B) A sign shall be permanently posted at every hose bib, faucet, or sill cock located on the water system beyond the break tank to indicate that the water is not safe for drinking.

4) Separate Potable Water Supply

Where it is not possible to provide potable water from a public water supply, a separate well may be provided. Location and construction of the well should comply with requirements of the governing State and local regulations. Requirements governing the use of the supply are those contained in subsections (b)(2) and (b)(3).

5) Separate Non-Potable Water Supply

Where a separate non-potable water supply is to be provided, a break tank will not be necessary, but all sill cocks and hose bibs shall be posted with a permanent sign indicating the water

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is not safe for drinking.

- c) Sanitary Facilities
Toilet, shower, and lavatory should be provided in sufficient numbers and at convenient locations to serve the expected plant personnel.
- d) Floor Slope Surface
Floor surfaces shall be sloped adequately to a point of drainage.
- e) Stairways

Stairways shall be installed wherever possible in lieu of ladders for access to those units requiring inspection and maintenance, including but not limited to trickling filters, digesters, aeration tanks, clarifiers, and tertiary filters. Spiral or winding stairs are permitted only for secondary access where dual means are provided. Stairways shall have slopes between 30 and 40 degrees from the horizontal to facilitate carrying samples, tools, etc. Each tread run shall not be less than 9 inches. The sum of the tread run and riser shall not be less than 17 nor more than 18 inches. A flight of stairs shall consist of not more than a 12 foot continuous rise without a platform.

f) Flow Measurement

1) Flow measurement facilities shall be provided so as to measure the following flows: total volume of effluent discharged--at--all plants---indicating--totalizing--and--recording--flow--measurement devices--shall--be--provided--for--all--mechanical--plants---flow measurement--facilities--for--agoon--systems--shall--not--be--less--than pump--calibration--time--clocks---or---calibrated--weir---flow measurement--must--also--be--provided--for--excess--flow--treatment facility--discharges--all--flow--measurement--equipment--must--be sized--function--effectively--the--full--range--of--flows--expected and--be--protected--against--freezing.

- A) Plant effluent flow
- B) Plant influent flow, if significantly different from plant effluent flow, such as for lagoons and plants with excess flow storage or flow equalization.

C) Excess flow treatment facility discharges.

D) Other flows required to be monitored under the provisions of an NPDES discharge permit.

E) Flows required for plant operational control, including but not limited to return activated sludge flow, waste activated sludge flow, recirculation flow and recycle flows.

- 2) Indicating, totalizing and recording flow measurement devices shall be provided for all mechanical plants for all flows except those specified in subsection (f)(1)(E) above. Flow measurement equipment foragoon systems shall consist of, at a minimum, raised time meters in series in conjunction with differential pressure transmitters. All flow measurement devices must be sized to function effectively in the full range of flows expected and shall be protected against freezing.

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- 3) Flow measurement equipment including entrance and discharge conduit configuration and critical control elevations shall be designed to assure that the required hydraulic conditions necessary for accurate measurement are provided. Conditions that must be avoided include turbulence, eddy currents, air entrainment, etc., that upset the normal hydraulic conditions that are necessary.

- g) Sampling Equipment
Effluent composite sampling equipment shall be provided at all mechanical plants and other facilities where necessary to meet discharge permit monitoring requirements.

(Source: Amended at 21 Ill. Reg. 12.1, effective 1/1/77)

Section 370.560 Safety

- a) Adequate provision shall be made to effectively protect the operator and visitors from hazards. The following shall be provided to fulfill the particular needs of each plant:

- 1) Enclosure of the plant site with a fence designed to discourage the entrance of unauthorized persons and animals.
- 2) Installation of hand rails and guards around all tanks, pits, stairwells, and other hazardous structures.
- 3) Posting of "No Smoking" signs in hazardous areas.
- 4) Protective clothing and equipment such as air packs, goggles, gloves, hard hats, safety harnesses and hearing protection, etc.
- 5) Provision of portable blower and sufficient hose.
- 6) Portable lighting equipment that complies with the National Electrical Code, approved by the U.S. Bureau of Mines.
- 7) Appropriately placed warning signs for slippery areas, non-potable water fixtures, low head clearance areas, open service manhole, hazardous chemical storage areas, flammable fuel storage areas, etc.
- 8) Smoke and fire detectors, fire extinguishers, and appropriate waste receptacles.
- 9) Provisions for confined space entry in accordance with the requirements of the Occupational Safety and Health Act and any applicable regulatory requirements.

b) Hazardous Chemical Handling

- 1) Containment Materials
The materials utilized for storage, piping, valves, pumping, metering, splash guards, etc., shall be specially selected considering the physical and chemical characteristics of each hazardous or corrosive chemical.
- 2) Secondary Containment and Storage
a) Wet and Dry Chemicals

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Chemical storage areas shall be enclosed in dikes or curbs which will contain the stored volume until it can be safely transferred to alternate storage or released to the wastewater at controlled rates which will not damage facilities, inhibit the treatment processes, or contribute to air pollution. Liquid polymer should be similarly contained to reduce the possibility of floor slip, thereby to protect travelers. Non-slip floor surfaces are desirable in polymer handling areas.

- B) Liquified Gas Chemicals
Chlorine and sulfur dioxide cylinder and container storage provisions shall meet the requirements of Sections 370.1020 and 370.1040 Section 370.996. Ammonia gas cylinder isolation shall be provided. Gas such-gas cylinder storage facilities shall be equipped with appropriate alarm system and emergency repair equipment and control system.

3) Eye Wash Fountains and Safety Showers

- A) Eye wash fountains and safety showers utilizing potable water shall be provided in the laboratory and on each floor level where hazardous chemicals are used. One eyewash or chemical storage (for slaking) pumping, metering, or transportation unloading. These facilities are to be as close as practical to possible chemical exposure sites and are to be fully useful during all weather conditions. The eye wash fountains shall be supplied with water of moderate temperature (50° - 90° Fahrenheit (F)), separate from the hot water supply, suitable to provide 15 minutes to 30 minutes of continuous irrigation of the eyes.

- B) The emergency showers shall be capable of discharging 30 to 50 gallons per minute (gpm) of water at moderate (50° - 90° F) temperature at pressures of 20 to 50 pounds per square inch (psi). The eye wash fountains and showers shall be no more than 45 feet from points of caustic exposure.

- 4) Splash Guards
All chemical feeders for hazardous or corrosive chemicals shall have guards which will effectively prevent spray of chemicals into space occupied by personnel. The splash guards are in addition to guards to prevent injury from moving or rotating machinery parts.

5) Piping, Labeling, Coupling Guards, Location

- A) All piping containing or transporting corrosive or hazardous chemicals shall be identified with labels every ten feet and with at least two labels in each room, closet, or pipe chase. Color coding may also be used, but is not an adequate substitute for labeling.
B) All connections (flanged or other type), except adjacent to storage or feeder areas, shall have guards which will direct

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any leakage away from space occupied by personnel. Pipes containing hazardous or corrosive chemicals should not be moved above shoulders. When containers drip, collect, and empty them. Containers and equipment should be cleaned and disinfected. Wards will eliminate chemical spray or dripping onto personnel.

6) Protective Clothing and Equipment

The following items of protective clothing or equipment shall be available and be utilized for all operations or procedures where their use will minimize injury hazard to personnel:

A) Air pack breathing apparatus for protection against chlorine and other toxic gases.

B) Chemical workers' goggles or other suitable goggles. (Safety glasses are insufficient.)

C) Face masks or shields for use over goggles.

D) Dust masks to protect the lungs in dry chemical areas.

E) Rubber gloves.

F) Rubber aprons with leg straps.

G) Rubber boots (leather and wool clothing should be avoided).

H) Safety harness and signs.

I) Warning Systems and Signs.

A) Facilities shall be provided for automatic shutdown of pumps and sounding of alarms when failure occurs in a pressurized chemical discharge line.

B) Warning signs requiring use of goggles and dust masks shall be located near chemical unloading stations, pumps, and other points of frequent hazard.

8) Dust Collection

Dust collection equipment shall be provided where dry chemicals are stored or used to protect personnel from dusts injurious to the lungs or skin and to prevent polymer dust from settling on walkways which become slick when wet.

9) Transportation identification hazard warning data included on shipping containers, when received, shall appear on all containers (regardless of size or type) used to store, carry, or use a hazardous substance. Sewage and sludge sample containers should be adequately labeled. Below is a suitable label to identify a sewage sample as a hazardous substance:

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Raw Sewage

Sample Point No. _____
Contains Harmful Bacteria.

May contain hazardous or
toxic material.

Do not drink or swallow.

Avoid contact with openings
or breaks in the skin.

(Source: Amended at 21 Ill. Reg. _____, effective
_____.)

Section 370.570 Laboratory

a) All treatment works shall include a laboratory for making the necessary analytical determinations and operating control tests, except for those plants utilizing only processes not requiring laboratory testing for plant control and satisfactory off-site laboratory provisions are made to meet the permit monitoring requirements. For plants where a fully equipped laboratory is not required, the requirements for utilities and equipment such as fume hoods may be reduced or omitted.

b) The laboratory shall have sufficient size, bench space, equipment and supplies to perform all self-monitoring analytical control tests necessary to discharge permits, and to perform all analytical control tests necessary to support the design of each treatment process included in the design.

c) The facilities and supplies necessary to perform analytical work to support industrial waste control programs will normally be included in the same laboratory. The laboratory size and arrangement must be sufficiently flexible and adaptable to accomplish these assignments. The layout should consider future needs for expansion in the event that more analytical work is needed.

d) Location and Space

1) The laboratory should be located on ground level, easily accessible to all sampling points, with environmental control as an important consideration. It shall be located in a separate room or building away from vibrating machinery or equipment which might have adverse effects on the performance of laboratory instruments or the analyst, or shall be designed to prevent structural transmission of machine vibration. The laboratory construction shall be designed to keep out machine noise (blowers, pumps, etc.). The following minimum conditions shall be met:

A) Blowers, pumps, etc., must be located on a separate floor

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- pad.
- B) Common walls between machinery rooms must be double-walled with sound insulation between the walls. Connecting doors or windows to machinery rooms are not acceptable.
 - C) Common attic space shall be blocked off and effective sound proof material provided in the ceiling.
 - D) A minimum of 400 square feet of floor space should be allocated for the laboratory. Less space may be allowed if the sampling and analysis program approved by the Agency, does not require a full-time laboratory technician. If the laboratory technician will be working in the laboratory at any given time, 100 square feet of additional space should be provided for each additional person. Bench-top working surface should occupy at least 35 percent of the total floor space.
 - E) Minimum ceiling height should be 8 feet 6 inches. If possible, this height should be increased to provide for the installation of wall-mounted water stills, distillation racks, and other equipment with extended height requirements.
 - F) Additional floor and bench space should be provided to facilitate performance of analysis of industrial wastes, as required by the discharge permit and the utilities industrial waste pretreatment program. The above minimum space does not provide office or consultation space.
- e) Materials
- 1) Ceilings
 - A) Acoustical tile should be used for ceilings except in high humidity areas where they are constructed of cement plaster. Materials containing asbestos shall not be used.
 - 2) Walls
 - A) For ease of maintenance and a pleasant working environment, light-colored ceramic tile should be used from floor to ceiling for all interior walls.
 - 3) Floors
 - A) Floor surface materials shall be either vinyl asbestos-rubber or fire resistant and highly resistant to acids, alkalis, solvents, and salts.
 - 4) Doors
 - A) Two exit doors should be located to permit a straight egress from the laboratory, one located outside the building. They should have large glass windows for easy visibility of approaching or departing personnel.
 - B) Automatic door closers should be installed; swinging doors should not be used.
 - C) Flush hardware should be provided on doors if cart traffic is anticipated. Kick plates are also recommended.
- f) Cabinets and Bench Tops
- 1) Cabinets

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- A) Wall-hung cabinets are useful for dust-free storage of instruments and glassware.
 - B) Units with sliding glass doors are preferable. They should be hung so the top shelf is easily accessible to the analyst. Thirty inches from the bench top is recommended.
 - C) One or more cupboard-style base cabinets should be provided for storing large items; however, drawers should be avoided so that entire contents are easily visible. They should be provided with rubber bumpers and with stops which prevent accidental removal. Drawers should be supported on ball bearings or nylon rollers which pull easily in adjustable steel channels. All metal drawer fronts should be double-wall construction. All cabinet shelving should be acid resistant and adjustable from inside the cabinet.
- 2) Bench Tops
- Generally, bench-top height should be 36 inches. However, areas to be used exclusively for sit-down type operations should be 30 inches high and include knee-hole space. One-inch overhangs and drip grooves should be provided to keep liquid spills from running along the face of the cabinet tops should be turned up in large sections, at least 18 inches high. They should be field joined with a continuous surface with acid, alkali, and solvent-resistant cements which are at least as strong as the material of which the top is made.
- 3) Utility Accessories
- Water, gas, air, and vacuum service fixtures; traps, strainers, overflows, plugs and tailpieces; and all electrical service fixtures shall be supplied with the laboratory furniture.
- g) Hoods
- Fume hoods to promote safety and canopy hoods over heat-releasing equipment shall be installed.
- 1) Fume Hoods
 - A) Location
 - i) Fume hoods should be located where air disturbance at the face of the hood is minimal. Air disturbance may be created by personnel or walking past the hood, by heat-ventilating or air-conditioning systems; by drafts from opening or closing a door; etc.
 - ii) Safety factors should be considered in locating a hood. If a hood is situated near a doorway, a secondary means of egress must be provided. Bench surfaces should be available next to the hood so that chemicals need not be carried long distances.
 - B) Design and Materials
 - i) The selection of fume hoods, their design and materials of construction, must be made by considering the variety of analytical work to be performed and the

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characteristics of the fumes, chemicals, gases, or vapors that will or may be released. Special design and construction is necessary if perchloric acid use is anticipated. Consideration should be given for providing more than one fume hood to minimize potential hazards. Consideration should also be given to the use of fume hoods are not appropriate for operation of heat-releasing equipment that does not contribute to hazards, unless they are provided in addition to those needed to perform hazardous tasks.

C) Fixtures

- i) One cup sink should be provided inside each fume hood.
- ii) All switches, electrical outlets, and utility and baffle adjustment handles should be located outside the hood. Light fixtures should be explosion-proof.

D) Exhaust

Continuous duty Twenty-four-hour---continuous exhaust capability should be provided. Exhaust fans should be explosion-proof. Exhaust velocities should be checked when fume hoods are installed.

E)

A buzzer for indicating exhaust fan failure and a static pressure gauge should be placed in the exhaust duct. A high temperature sensing device located inside the hood should be connected to the buzzer.

2) Canopy Hoods

Canopy hoods should be installed over the bench-top areas where hot plate, steam bath, or other heating equipment or heat-releasing instruments are used. The canopy should be constructed of steel, plastic, or equivalent material, and finished with enamel to blend with other laboratory furnishings.

h) Sinks

- 1) The laboratory should have a minimum of 3 sinks (not including cup sinks). At least 2 of them should be double-well with drainboards. Additional sinks should be provided in separate work areas needed for use in the laboratory.
- 2) Waste openings should be located toward the rear of the standing overflow will not interfere. All water fixtures on which hoses may be used should be provided with reduced zone pressure backflow preventers to prevent contamination of zone lines.
- 3) The sinks should be constructed of material highly resistant to acids, alkalis, solvents, and salts, and should be abrasion and heat resistant, non-absorbent, light in weight and have all appropriate characteristics for laboratory applications. Traps should be made of glass, plastic, or lead and easily accessible for cleaning.

1) Ventilation and Lighting

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- 1) Laboratories shall be separately air conditioned and dehumidification shall be provided where laboratory control tests procedures will be affected by high humidity conditions. Separate exhaust ventilation outlet locations (fume and heat exchangers, room air, etc.) shall be provided remote from ventilation inlets.
- 2) Adequate lighting, free from shadows, shall be provided to permit reading of laboratory instrument dials, glassware calibrations, etc.
- 3) Gas and Vacuum
 - 1) Natural or bottled gas should be supplied to the laboratory. Digester gas should not be used.
 - 2) An adequately-sized line source of vacuum should be provided with outlets available throughout the laboratory.
- k) Balance and Table
 - 1) An analytical balance of the automatic, digital readout, single pan, 0.1 milligram sensitivity type shall be provided. A heavy special-design balance table which will minimize vibration of the balance shall be provided. It shall be located as far as practical from windows, doors, or other sources of drafts or air movements, so as to minimize undesirable impacts from these sources upon the balance.
- l) Equipment, Supplies and Reagents
 - 1) The laboratory shall be provided with all of the equipment, supplies and reagents that are needed to carry out all of the facility's analytical testing requirements. Discharge permit, process control, and industrial waste monitoring requirements must be considered when specifying equipment needs. References such as Standard Methods and the USEPA 8-9---BPA Analytical Procedures Manual should be consulted prior to specifying equipment items.
 - m) Power Supply Regulation
 - 1) To eliminate voltage fluctuation, electrical lines supplying the laboratory should be controlled with a constant voltage, harmonic neutralized type of transformer. This transformer should contain less than 3% total root mean square (rms) harmonic content. The output should be regulated to provide input voltage to the equipment within output of 118 volts. For higher voltage requirements, the 240-volt lines should be similarly regulated.
 - 2) Electrical devices in the laboratory not requiring a regulated supply (i.e., ordinary resistance heating devices) that are non-portable may be wired to an unregulated supply.
 - n) Laboratory Grade Water Source Water-Split
 - 1) A laboratory grade water source, an anti-glass-water-attily with at least one gallon per hour capacity, shall be installed complete with all utility connections. The type of treatment used to produce laboratory grade water shall be based on the quality of water received for the tests to be performed at the plant. Laboratory water treatment devices shall be constructed of materials that are

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- compatible with the water to be treated and reduced.
- d) Laboratory Safety Equipment
Laboratory safety equipment shall be provided in accordance with the requirements of Section 370.560(a)(3), (a)(9), (b)(3) and (b)(6).

(Source: Amended at 21 Ill. Reg. 42.11, effective 1-2-81)

SUBPART F: PRELIMINARY TREATMENT

Section 370.600 General Considerations Screening Devices

- a) Safety
- 1) Safety Features Relative to Location
- A) Railings and Gratings
- 1) Manually cleaned channels shall be protected by guard railings and deck gratings with adequate provisions for removal or opening to facilitate raking.
- B) Mechanically cleaned channels shall be protected by guard railings and deck gratings. Consideration should also be given to the provision of stairs, access arrangements to facilitate maintenance and repair.
- 2) Mechanical Devices
- A) Mechanical screening equipment shall have adequate removable enclosures to protect personnel against accidental contact with moving parts and to prevent dripping in multi-level installations.
- B) A positive means of locking out each mechanical device shall be provided.
- 3) Units and Equipment in Deep Pits
- Manually cleaned screens located in pits deeper than 4 feet shall be provided with stairway access, adequate lighting and ventilation. Access ladders may be used instead of stairs in pits deeper than 4 feet. Repairs or lifting equipment shall be used where necessary and the depth of the pit or the amount of material to be removed.

- 4) In Buildings
- Units and equipment installed in buildings where other equipment or offices are located shall be isolated from the rest of the building and shall be provided with separate outside entrances and separate and independent means of ventilation.
- 5) Ventilation
- A) Adequate ventilation shall be provided for installations described in subsections (a)(3) and (4). Ventilation may either be continuous or intermittent. If continuous ventilation shall provide at least 12 complete air changes per hour; if intermittent, ventilation shall provide at

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- least 30 complete air changes per hour.
- B) Where the pit is deeper than 4 feet, mechanical ventilation is required, and the air shall be forced into the screen pit area rather than exhausted from the screen pit. The maximum distance from the fresh air discharge and the working deck floor shall be 24 inches. Barriers should not be used on floor openings. Obstructions to screens should be avoided to prevent clogging. Air intake screens (bird and insect) shall be located so as to be easily accessible for cleaning.
- C) Switches for operation of ventilation equipment should be marked and located at the entrance to the screen pit area. All intermittently operated ventilating equipment shall be interconnected with the respective lighting system. Consideration should be given to automatic controls where intermittent operation is used. The manual lighting-ventilation switch shall override the automatic controls.
- D) The fan wheel shall be fabricated from non-sparking material. Refer to Section 370.610(a)(3)(C) for motor and electrical requirements.
- 6) Electrical Fixtures and Controls in enclosed places where may accumulate dust comply with Section 370.610(a)(3)(C).
- b) Communication
- Communication or other in-stream shredding of sewage solids shall be followed by primary settling or fine screening devices to remove the shredded stringy materials prior to the activated sludge process to minimize operational problems associated with reallocation of stringy materials.
- c) Channels
- Channels shall be equipped with the necessary gates to divert flow from any one unit. Provisions must also be made for dewatering each unit. Channels preceding and following screens shall be shaped and illustrated as necessary to eliminate settling of solids.
- a) Screens
- 1) Screening of raw sewage shall be provided at all mechanical treatment works for lift station applications see Subpart B.
- 2) Safety Features Relative to Location
- A) Railings and Gratings
- 1) Manually cleaned screen channels shall be protected by guard railings and deck gratings with adequate provisions for removal or opening to facilitate raking.
- 2) Mechanically cleaned screen channels shall be protected by guard railings and deck gratings. Consideration should also be given to temporary access arrangements

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to facilitate maintenance and repair.

- B) Mechanical Devices
- 1) Mechanical screening equipment shall have adequate removal capacities to protect personnel against accidental contact with moving parts and to prevent dripping in multi-level installations.
 - 2) A positive means of locking out each mechanical device shall be provided.
- C) In-Deep Pits
- 1) Manually cleaned screens located in deep pits shall be provided with a stairway access adequate lighting ventilation and convenient and adequate means for removing screenings.
- D) In-Buildings
- 1) Screening devices installed in a building where other equipment or offices are located shall be isolated from the rest of the building provided with separate outside air supply and provided with separate and independent means of ventilation.
- E) Ventilation
- 1) Adequate ventilation shall be provided:
 - a) Ventilation may either be continuous or intermittent ventilation if continuous shall provide at least 12 complete air changes per hour; if intermittent ventilation shall provide at least 30 complete air changes per hour.
 - b) Where the area is below the ground surface mechanical ventilation is required and the air shall be forced into the screen pit area rather than exhausted from the screen pit. Dampers should not be used on fresh air ducts or screens or other obstructions in air ducts should be avoided to prevent clogging.
 - c) Switches for operation of ventilation equipment should be located in an area which is not entered by the pit screening pit intermittent ventilation equipment shall be interconnected with the respective lighting system. Consideration should be given to automatic controls where intermittent operation is used. The manual lighting ventilation switch shall override the automatic controls.
 - d) The fan wheel shall be fabricated from non-sparking material. Automatic heating and dehumidification equipment shall be provided in all areas located totally below the ground surface.
- F) Electrical Fixtures
- 1) Electrical fixtures and controls in enclosed places where gas may accumulate shall comply with the National Electrical Code requirements for Class I, Group B, Division 1 locations.

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3) Design and Installation

A) Manually Cleaned Screens

Clear openings for manually cleaned screens between bars should be from 1 to 1 3/4 inches. Design and installation shall be such that they can be conveniently cleaned. An accessible platform shall be provided on which the operator may rake screenings easily. Suitable drainage facilities with return flow to process shall be provided for the platform.

B) Mechanical Screens

Clear openings for mechanically cleaned screens may be as small as 3/8 of an inch. Mechanical screens shall be located so as to be protected from freezing.

C) Velocity or Mechanically Raked Bar Screens

Velocity or mechanically raked bar screens the maximum velocities during peak flow periods should not exceed 2.5 feet per second. The velocity shall be calculated from a vertical projection of the screen openings on the cross-sectional area between the invert of the channel and the flow liner.

D) Invert

The screen channel invert shall be at least 3 inches below the invert of the incoming sewer. To prevent settling action the length and/or construction of the screen channel shall be adequate to reestablish hydraulic flow pattern following the drop in elevation.

E) Slope

Manually cleaned screens should be placed on a slope of 30 inches in 100 feet, in accordance with the horizontal.

F) Control Systems

A) Rising Devices

All mechanical units which are operated by timing devices should be provided with auxiliary controls which will set the cleaning mechanism in operation at predetermined high water marks.

B) Manual Override

Automatic controls shall be supplemented by a manual override.

C) Electrical Fixtures and Controls

Electrical fixtures and controls in enclosed places where gas may accumulate shall comply with the National Electrical Code requirements for Class I, Group B, Division 1 locations.

D) Disposal of Screenings

A) Apply the screening and storage of screenings in a sanitary manner. Suitable drainage facilities shall be provided for the storage areas with drainage returned to process. The

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return--of--ground--screenings--to--the--sewage--flow--is unacceptable

B) Bursitis--hauling--to--an--approved--sanitary--landfill--or approved--incineration--by--methods--meeting--the--provisions--of all--FPCB--regulations--is--required--and--shall--be--discussed--in the--plan--documents--Open--disposal--is--prohibited;

b) Examination of--any--other--in--stream--shedding--of--sewage--solids--shall--be followed--by--primary--settling--or--fine--screening--device--to--remove the--shedded--stringy--materials--prior--to--the--activated--sludge--process--to minimize--operational--problems--associated--with--regeneration--of stringy--material;

c) Channels

Channels--shall--be--equipped--with--the--necessary--gates--to--divert--flow from--any--one--screening--unit--Provisions--must--also--be--made--for dewatering--each--unit--Channels--preceding--and--following--screens--shall be--shaped--and--fitted--as--necessary--to--eliminate--settling--of--solids;

d) Auxiliary Screens

Where--mechanically--operated--screening--is--used--auxiliary--manually cleaned--screens--shall--be--provided--Design--shall--include--provisions for--automatic--diversion--of--the--entire--sewage--flow--through--the auxiliary--screens--should--the--regular--units--fail--Refer--to--subacute .

e) Fine Screens

Fine--screens--may--be--used--in--lieu--of--primary--sedimentation--providing that--subsequent--treatment--units--are--designed--on--the--basis--of anticipated--screen--performance--Fine--screens--should--not--be--considered equivalent--to--primary--sedimentation--Where--fine--screens--are--used additional--removal--of--floatable--oils--and--greases--shall--be--provided--if they--will--adversely--affect--the--function--of--downstream--treatment--units;

(Source: Amended at 21 Ill. Reg. 16, effective 1/1/64)

Section 370.610 Screening Devices Exit-Removal-Facilities

a) Bar Racks and Screens

1) Where Required
Screening of raw sewage shall be provided at all mechanical treatment works. For lift station applications, see Subpart D.

2) Design and Installation

A) Manually Cleaned Screens

Clear openings for manually cleaned screens between bars should be from 1 to 1 3/4 inches. Design and installation shall be such that they can be conveniently cleaned. An accessible platform shall be provided on which the operator may make screenings easily and safely. Suitable drainage facilities with return flow to process shall be provided for

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the platform.

B) Mechanical Screens

Clear openings for mechanically cleaned screens may be as small as practical to assure the proper operation and maintenance of treatment facilities. Mechanical screens shall be located so as to be protected from freezing and to prevent the accumulation of screenings.

C) Velocities Through Screens

For manually or mechanically raked bar screens, the maximum velocities during peak flow periods should not exceed 2.5 feet per second. The velocity shall be calculated from a vertical projection of the screen openings on the cross-sectional area between the invert of the channel and the flow line. Excessive head loss through the screens, which may affect upstream flow measurement or by-passing, shall be taken into account.

D) Invert

The screen channel invert shall be at least 3 inches below the invert of the incoming sewers. To prevent settling action, the length and/or construction of the screen channel shall be adequate to establish hydraulic flow pattern through the area.

E) Slope and the drop in elevation.

Manually cleaned screens should be placed on a slope of 30 to 45 degrees with the horizontal.

3) Control Systems

A) Timing Devices

All mechanical units which are operated by timing devices should be provided with auxiliary controls which will set the cleaning mechanism in operation at predetermined high water marks.

B) Manual Override

Automatic controls shall be supplemented by a manual override.

C) Electrical Fixtures and Controls
Electrical fixtures and controls in enclosed places where the accumulation of screenings is likely shall comply with the National Electrical Code requirements for Class I, Group D, Division I locations.

4) Disposal of Screenings

A) Amly-sized, vector-proof facilities shall be provided for removal, handling and storage of screenings in a sanitary manner. Suitable drainage facilities shall be provided for the storage areas with drainage returned to process. The return of around screenings to the sewage flow is unacceptable.

B) Disposal shall be in accordance with 35 Ill. Adm. Code 700 and shall be discussed in the plan documents.

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b) Auxiliary Screens

Where mechanically operated screening is used, auxiliary manually cleaned screens shall be provided. Design shall include provisions for automatic diversion of the entire sewage flow through the auxiliary screens should the regular units fail. Refer to subsection (a)(12).

c) Fine Screens

Fine screens may be used in lieu of primary sedimentation providing that subsequent treatment units are designed on the basis of anticipated screen performance. Fine screens should not be considered equivalent to primary sedimentation. Where fine screens are used, additional removal of floatable oils and greases shall be provided if they will adversely affect the function of downstream treatment units.

a) Where Required

Grit removal facilities should be provided for all sewage treatment plants and are required for plants receiving sewage from combined sewers or from sewer systems receiving substantial amounts of grit if a plant serving a separate sewer system is designed without grit removal facilities; the design shall include provision for future installation. Consideration shall be given to possible damaging effects on pumps and other preceding equipment and the need for additional storage capacity in treatment units where grit is likely to accumulate.

b)

Grit removal facilities should be located ahead of pumps in such cases; coarse screens should be placed ahead of mechanically cleaned grit removal facilities.

c)

The selection of the type of grit removal shall be based on necessary flexibility of velocity control to remove the selected size grit particles through the range of expected plant flow. The volume of grit expected and available area and hydraulic gradient limits at the site. Aerated or area type grit removal units equipped with adequate controls for operational flexibility are recommended where flow rates and grit characteristics and volume are expected to vary widely.

Plants treating wastes from combined sewers shall have at least one, preferably two or more, mechanically cleaned grit removal units with provision for unit bypassing. A single manually cleaned or mechanically cleaned grit chamber with unit bypass is acceptable for small sewage treatment plants serving separate sanitary sewer systems. Minimum facilities for larger plants serving separate sanitary sewers shall be at least one manually cleaned unit with a unit bypass.

d)

Design Factors

1) Channel-Type Units

A) Turbulence Control

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The equipment and inlet and outlet structures shall be designed to minimize turbulence throughout the channel.

B)

Channel type chambers shall be designed to provide controlled velocities as close as possible to 1 foot per second. The detention period shall be based on the size of particles to be removed.

2) Aerated Units

A) Inlet

The inlet shall be located and arranged to prevent short circuiting to the outlet and oriented to the unit flow pattern so as to provide for adequate securing segregation of organic and grit materials prior to discharge.

B)

Aeration equipment shall be located and arranged to prevent short circuiting of air.

C)

Air supply Air should be supplied at 5 cubic feet per minute (cfm) per foot of tank length. The rate of air supplied shall be widely variable so as to maximize unit process effectiveness.

3) Grit Washing and Reversal Protection

All facilities not provided with positive velocity control should include means for grit washing to further separate organic and inorganic materials. Grit elevator and washing facilities shall be housed to prevent freezing. Provision for adequate heating and ventilation shall be provided to prevent corrosion.

4)

Brainer

Provisions should be made for dewatering each unit.

5) An adequate supply of water under pressure shall be provided for clean-up.

e) Grit Removal

Grit removal facilities located in deep pits shall be provided with mechanical equipment for pumping or hoisting grit to ground level. Such pits shall have a stairway and adequate lighting. An approved type elevator or manlift may be desirable in some locations. Adequate ventilation as described in Section 306.15(a)(8) shall be provided.

f) Grit Handling

Impervious non-slip working surfaces with drains back to process shall be provided for grit handling areas. If grit is to be transported, the conveying equipment shall be designed to avoid loss of material and protection from freezing. Grit disposal methods shall be in compliance with all PCB regulations and be described in the plant design manual.

g)

All electrical fixtures and controls in enclosed or below grade grit

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removal--areas--where--hazardous--gases--may--accumulate--shall--meet--the requirements--of--the--National--Electrical--Code--for--Class--I--Group--B--Division--I--locations

(Source: Amended at 21 Ill. Reg. 12426, effective 1/1/00)

Section 370.620 Grit Removal Facilities Pre-Aeration

a) Where Required

Grit removal facilities should be provided for all sewage treatment plants and aeration facilities receiving substantial amounts of combined sewer or from sewer systems receiving substantial amounts of grit. If a plant serving a separate sewer system is designed without grit removal facilities, the design shall include provision for future installation. Consideration shall be given to possible damaging effects on pumps, and other preceding equipment, and the need for additional storage capacity in treatment units where grit is likely to accumulate.

b) Location

Grit removal facilities should be located ahead of pumps. In such cases, coarse bar racks should be placed ahead of mechanically cleaned grit removal facilities. Communion equipment, when used, shall be located downstream of the grit facility in order to reduce the operation and maintenance problems associated with grit.

c) Type

The selection of the type of grit removal shall be based on necessary flexibility of velocity control to remove the selected size grit particulates through the range of expected plant flows, the volume of grit expected, and available area and hydraulic gradient limits at the site. Aerated or area type grit removal units equipped with adequate controls for operational flexibility are recommended where flow rates and grit characteristics and volume are expected to vary widely.

Plants treating wastes from combined sewers shall have at least one, preferably two or more, mechanically cleaned grit removal units, with provision for unit bypassing. A single manually cleaned or mechanically cleaned grit chamber with unit bypass is acceptable for small sewage treatment plants serving separate sanitary sewer systems. Minimum facilities for larger plants shall be as follows: (1) At least one unit with a unit bypass, and (2) At least one mechanically cleaned unit with a unit bypass.

d) Design Factors

1) Channel Type Units

A) Turbulence Control

The equipment and inlet and outlet structures shall be designed to minimize turbulence throughout the channel.

B) Velocity and Detention

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Channel-type chambers shall be designed to provide controlled velocities as close as possible to 1 foot per second. The detention period shall be based on the size of particle to be removed.

2) Aerated Units

A) Inlet

The inlet shall be located and arranged to prevent short circuiting to the outlet and oriented to the unit flow direction and to provide adequate screening separation of organic and grit materials prior to discharge.

B) Detention

A detention time of at least 3 minutes at design peak flow should be provided.

C) Air Supply

Air should be supplied at 5 cubic feet per minute (cfm) per foot of tank length. The rate of air supplied shall be widely variable so as to maximize unit process effectiveness.

3) Grit Washing and Freeze Protection

All facilities not provided with positive velocity control should include means for grit washing to further separate organic and inorganic materials. Grit elevator and washing facilities shall be designed to prevent freezing. Provision for adequate heating and ventilation shall be provided to prevent corrosion.

4) Drains

Drains should be made for dewatering each unit.

5) Water

An adequate supply of water under pressure shall be provided for clean up.

e) Grit Removal

Mechanical equipment for pumping or hoisting grit to ground level. Pits deeper than 4 feet shall be provided with stairway access. An automatic-type elevator or manlift may be desirable in some locations. Adequate ventilation, as described in Section 370.600(a)(5), and lighting shall be provided for pits that are deeper than 4 feet or are in an enclosed area.

f) Grit Handling

Interlocking on-slip, working surfaces with drains back to process shall be provided for grit handling areas. Safety handrails shall be provided around the working platform areas. If grit is to be transported, the conveying equipment shall be designed to avoid loss of material and protection from freezing. Grit disposal methods shall be in compliance with 35 Ill. Adm. Code 700 and shall be described in the plan documents.

g) Electrical

All electrical fixtures and controls in enclosed or below grade grit removal areas where hazardous gases may accumulate shall meet the

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Requirements of the National Electrical Code (1995) for Class I, Group II, Division 1 locations.

Pre-aeration of sewage-to-reduce-septicity may be required in special cases.

(Source: Amended at 21 Ill. Reg. 101.333, effective

Section 370.630 Pre-Aeration

Pre-aeration of sewage to reduce septicity may be required in special cases.

(Source: Added at 21 Ill. Reg. 101.333, effective

SUBPART G: SETTLING

Section 370.700 General Considerations

- Multiple units capable of independent operation are desirable and shall be provided in all plants where design average flows exceed 100,000 gallons per day. Plants not having multiple units shall include other provisions to assure continuity of treatment.
- Arrangement

Settling tanks shall be arranged in accordance with Sections 370.520+43(e) and 370.710+62(g).

- Flow Distribution
- Effective flow splitting measurement devices and control apparatuses shall be provided to insure proper organic and hydraulic proportion of flow to each unit. Refer to Section 370.520+43(f).

- Slank Configuration
- Slank Configuration should be given to the probable flow pattern in the selection of tank size and shape, and inlet and outlet type and location.

(Source: Amended at 21 Ill. Reg. 101.333, effective

Section 370.710 Design Considerations

- Dimensions
- The minimum length of flow from inlet to outlet should be 10 feet unless special provisions are made to prevent short circuiting. The sidewater depth for primary clarifiers shall be as shallow as practicable, but not less than 7 feet. Clarifiers following the activated sludge process shall have sidewater depths of at least 12 feet to provide adequate separation zone between the sludge blanket

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and the overflow weirs. Clarifiers following fixed film reactors shall have sidewater depth of at least 7 feet.

- Surface Settling Rates (Overflow Rates)

The hydraulic design of settling tanks shall be based on the anticipated peak hourly flow rate.

- Primary and Bypass Settling Tanks

A. Primary Settling
Some indication of BOD removals may be obtained by reference to Appendix E, Figure No. 2. The figure should not be used to design units which receive wastewaters which have BOD and total suspended solids concentrations which are substantially different from normal domestic sewage. The operating characteristics of such units should be established by appropriate field and laboratory tests. If activated sludge is wasted only separate-sludge-thickening is-not-provided to the primary settling unit, then the design surface settling rate shall not exceed 1,000 gallons per day per square foot based on design peak hourly flow, including all flows to the unit. Refer to subsection (b)(3) and Section 370.710+62(g).

- B. Bypass Settling--Combined Sewer Overflow and Bypass Settling

The maximum surface settling rate shall not exceed 1,800 gallons per day per square foot based on peak hourly flow. Minimum liquid depth shall not be less than 10 feet. Minimum detention shall not be less than one hour. The minimum length of flow from inlet baffle to outlet should be 10 feet, unless special provisions are made to prevent short-circuiting.

- Intermediate Settling Tanks

Surface settling rates for intermediate settling tanks following series units of fixed film reactor processes should not exceed 1500 gallons per day per square foot based on design peak hourly flow. Surface settling rates for intermediate settling tanks following the activated sludge process shall not exceed 1000 gallons per day per square foot based on design peak hourly flow.

- Final Settling Tanks
- Settling tests should be conducted wherever a pilot study of biological treatment is warranted by unusual waste characteristics or treatment requirements. Testing shall be done where proposed loadings go beyond the limits set forth in subsections (b)(3)(A) and (b)(3)(B).

A. Final Settling Tanks - Fixed Film Biological Reactors
Surface settling rates for settling tanks following trickling filters or rotating biological contactors shall not exceed 1000 gallons per day per square foot based on design peak hourly flow.

- B. Final Settling Tanks - Activated Sludge

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- i) Multiple units capable of independent operation shall be provided at all plants. To perform properly while producing a concentrated return flow, activated sludge settling tanks must be designed to meet thickening as well as solids separation requirements.
- ii) Since the rate of recirculation of return sludge is quite high in activated sludge processes, surface settling rate and weir overflow rate should be adjusted for the various processes to minimize the problems with sludge loadings, density currents, inlet hydraulic turbulence, and poor settling characteristics.
- iii) The hydraulic loadings shall not exceed 1000 gallons per day per square foot based on design peak hourly flow, and 800 gallons per day per square foot based on peak hourly flow for separate activated sludge nitrification flow. Refer to Section 370.1210(c)(3)(45).
- iv) The solids loading shall not exceed 50 pounds solids per day per square foot at the design peak hourly rate. Consideration should be given to flow equalization.
- v) Flow equalization is recommended where the peak hourly load exceeds 100% of the design average load.
- C) Rectangular units settling tanks following the activated sludge final settling tank should be designed to have the characteristics and which are suitable for the solids separation density currents. The use of rectangular final clarifiers should therefore be avoided. If land availability or other local conditions mandate the use of rectangular final clarifiers following the activated sludge process, the following design modifications shall be made:
- Within practicable limits, length shall be approximately equal to the width.
 - Excess weir length shall be provided.
 - Baffles shall be provided to interrupt longitudinal density currents.
 - Weir placement should be adjustable, so as to allow optimization of the upflow takeoff points.

- c) Inlet Structures
Inlets and inlet baffling should be designed to dissipate the inlet velocity, to distribute the flow evenly both horizontally and vertically, and to prevent short circuiting. Channels should be designed to maintain a velocity of at least one foot per second at one-half the design flow. Corner pockets and dead ends should be eliminated and corner fillets or channeling used where necessary. Provisions shall be made for prevention or removal of floating materials in inlet structures.

d) Weirs

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- General
Overflow weirs shall be readily adjustable over the life of the structure to correct for differential settlement of the tank.
- Location
Overflow weirs shall be located to optimize actual hydraulic detention time, and minimize short circuiting.
- Design Rates
Weir loadings shall not exceed 20,000 gallons per day per linear foot based on design peak hourly flows for plants having design average flow rates of 0.0 to 0.5 mgd. Weir loadings shall not exceed 30,000 gallons per day per linear foot based on design peak hourly flow for plants having design designed-for-average flow of greater than 1.0 mgd. Higher weir overflow rates may be allowed for bypass settling tanks. If pumping is required, weir loadings should be related to pump delivery rates to avoid short circuiting. Refer to Section 370.110(c)(8).
- Weir Troughs
Weir troughs shall be designed to prevent submergence at maximum design flow, and to maintain a velocity of at least one foot per second at one-half design average flow.
- Submerged Surfaces
The tops of troughs, beams, and similar submerged construction elements shall have a minimum slope of 1:10 vertical to horizontal. Submerged construction shall be designed to have a slope of 1:10 to prevent the accumulation of scum and solids. Submerged pipes with a diameter greater than or equal to 6 inches shall be capped by angular bonnets to as to limit solids sedimentation on such surfaces and to facilitate cleaning operations.
- Unit Dewatering
Unit dewatering featuring shall conform to the provisions outlined in Section 370.530. The bypass design should also provide for redistribution of the plant flow to the remaining units.
- Freeboard
Walls of settling tanks shall extend at least 6 inches above the surrounding ground surface and shall provide not less than 12 inches freeboard. Additional freeboard or the use of wind screens is recommended where larger settling tanks are subject to high velocity winds and currents that would cause tank surface waves and inhibit effective scum removal.

(Source: Amended at 21 Ill. Reg. 3, effective 1/1/72)

Section 370.720 Sludge and Scum Removal

- a) Scum Removal
Full surface mechanical effective scum collection and removal facilities, including baffling, shall be provided for all settling

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wall manhole shall be provided that is large enough to permit the use of mechanical equipment to remove grit and sand. The side wall access manhole should be low enough to facilitate heavy equipment handling and may be buried in the earthen bank insulation.

- c) Safety
Nonworking tools, rubber-soled shoes, safety harness, gas detectors for inflammable and toxic gases, and at least two self-contained breathing units shall be provided for emergency use.
 - d) Toxic Materials
If the anaerobic digestion process is proposed, the basis of design shall be supported by wastewater analyses to determine the presence of undesirable materials, such as high concentrations of sulfates and inhibitory concentrations of heavy metals.
 - b) Sludge Inlets and Outlets, and Recirculation and High Level Overflows
1) Multiple sludge inlets and draw-offs and, where used, multiple recirculation suction and discharge points to facilitate flexible operation and effective mixing of the digester contents shall be provided unless adequate mixing facilities are provided within the digester.
 - 2) One inlet should discharge above the liquid level and be located at approximately the center of the tank to assist in sludge breakup. The second inlet should be opposite to the suction line at approximately the 2/3 diameter point across the digester.
 - 3) Raw sludge inlet discharge points should be so located as to minimize short circuiting to the digested sludge or supernatant draw-offs.
 - 4) Sludge withdrawal to disposal should be from the bottom of the tank. The bottom withdrawal pipe should be interconnected with the necessary valving to the recirculation pipe, to increase versatility in mixing the tank contents.
 - 5) An unvalved vented overflow shall be provided to prevent damage to the digestion tank and cover in case of accidental overflowing. This emergency overflow shall be piped to a point well below the rate in the treatment process or sidestream treatment facilities so as to minimize the impact on process units.
- c) Tank Capacity
- 1) Rational Design
The total digestion tank capacity shall be determined by rational calculations based upon such factors as volume of sludge added, its percent solids, and character, the temperature to be maintained in the digesters, the degree or extent of mixing to be obtained, the degree of volatile solids reduction required, method of sludge disposal, and the size of the installation with appropriate allowances for gas, supernatant and supernatant and digested sludge storage. Secondary digesters of two-stage series digestion systems that are used for digested sludge storage and

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Concentration shall not be credited in the calculations for volumes required for sludge digestion. Calculations should be submitted to justify the basis of design.

- 2) ~~When such calculations are not submitted to justify the design based on the above factors, the minimum combined digestion tank capacity outlined below will be required. Such requirements assume that the raw sludge is derived from ordinary domestic wastewater, a digestion temperature is to be maintained in the range of 85° to 95° F (29° to 35° C), 40 to 50 percent volatile matter in the digested sludge, and that the digested sludge will be removed frequently from the process. (See also subsection (a)(1) above and Section 370.860(a)(1).)~~
- A) Completely Mixed Systems
For digestion systems providing for intimate and effective mixing of the digester contents, the system may be loaded up to 80 pounds of volatile solids per 1000 cubic feet of volume per day in the active digestion units.
- B) Plug Flow Systems
For digestion systems where mixing is accomplished only by recirculating sludge through an external heat exchanger, the system may be loaded up to 40 pounds of volatile solids per 1000 cubic feet of volume per day in the active digestion units. This loading may be modified upward or downward depending upon the degree of mixing provided.
- C) Digester Mixing Facilities for mixing the digester contents shall be provided where required for proper digestion by reason of loading rates or other features of the system. Where sludge recirculation means are used for mixing, they shall be provided in accordance with the applicable requirements of Section 370.850(a).
- d) Gas Collection, Piping, and Appurtenances
1) Generators of the gas system including the space above the tank and the piping shall be designed to handle the gas produced by the liquid, sludge, and gas storage facilities and piping shall be so designed that all normal operating conditions, including sludge withdrawal, the gas will be maintained under pressure. All enclosed areas where any gas leakage might occur shall be adequately ventilated.
- 2) Safety Equipment
All necessary safety facilities shall be included where gas is produced. Pressure and vacuum relief valves and flame traps together with automatic safety shut off valves shall be provided and protected from freezing. Water seal equipment shall not be installed. Safety equipment and gas compressors should be housed in a separate room with an exterior door.
- 3) Gas Piping and Condensate

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Gas piping shall have a minimum diameter of 4 inches, except that a smaller diameter pipe may be used at the gas production meter. be of adequate diameter and gas piping shall slope to condensation traps at low points. The use of float-controlled condensation traps is not permitted. Condensation traps shall be protected from freezing. Tightly fitted self-closing doors should be provided at connecting passageways and tunnels which connect digestion facilities to other facilities to minimize the spread of gas. Pit galleries shall be ventilated in accordance with subsection (d)(7).

4) Gas Utilization Equipment

Gas burning boilers, engines, etc., shall be located in well ventilated rooms. Such rooms would not ordinarily be classified as a hazardous location if isolated from the digestion gallery or ventilated in accordance with subsection (d)(7). Gas lines to these units shall be provided with suitable flame traps.

5) Electrical Fixtures

Electrical fixtures and controls, in places enclosing anaerobic digestion apparatuses, where hazardous gases are normally contained in the tanks and piping, shall comply with the National Electric Code for Class I, Group D, Division 2 locations. Refer to subsection (d)(7).

6) Waste Gas

A) Waste gas burners shall be readily accessible and should be located at least 50.35 feet from any building structure if placed at ground level, or may be located on the roof of the control building if sufficiently removed from the tank. Waste gas burners shall be of sufficient height to prevent injury to personnel due to wind or downdraft conditions.

B) All waste gas burners shall be equipped with automatic ignition such as a pilot light or a device using a photoelectric cell sensor. Consideration should be given to the use of natural or propane gas to insure reliability of the pilot.

C) Gas piping shall be sloped at a minimum of 2 percent up to the waste gas burner with a condensate trap provided in a location not subject to freezing.

7) Ventilation

Any underground enclosures connecting with digestion tanks or containing sludge or gas piping equipment shall be provided with forced ventilation in accordance with Section 370.410(g)(1-4) and (6).

8) Meter

A gas meter with bypass shall be provided to meter total gas production for each active digestion unit. Total gas production for two-stage digestion systems operated in series may be measured by a single gas meter with proper interconnected gas lines. Where multiple primary digestion units are used with a

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single secondary digestion unit, a gas meter shall be provided for each primary digestion unit. The secondary digestion unit may be interconnected with the gas measurement unit of one of the primary units. Interconnected gas piping shall be properly valved with airtight gate valves to allow measurement of gas production from or maintenance of sludge digestion unit. Gas meters shall be located in the office building or control building and shall be protected from freezing. The meter and its associated piping must be specifically designed for contact with corrosive and dirty gases.

e) Digestion Tank Heating

1) Insulation

Wherever possible digestion tanks should be constructed above ground-water level and shall be suitably insulated to minimize heat loss. Maximum utilization of earthen bank insulation should be used.

2) Heating Facilities

Sludge may be heated by circulating the sludge through external heaters or by units located inside the digestion tank. Refer to subsection (e)(2)(B).

A) External Heating
Piping shall be designed to provide for the preheating of sludge before introduction into the digesters. Provisions shall be made in the lay-out of the piping and valving to facilitate heater exchanger tube removal and cleaning of these lines. Heat exchanger sludge piping should be sized for peak heat transfer requirements. Heat exchangers should have a heating capacity of 130 percent of the calculated peak heating requirement to account for sludge tube fouling.

B) Other Heating Methods

i) The use of hot water heating coils affixed to the walls of the digester, or other types of internal heating equipment that require emptying the digester contents for repair, are not acceptable. ii) Other systems designed that have been developed recently for both mixing and heating of anaerobic digester contents. These systems will be reviewed on their own merits. Operating data detailing their reliability, operation and maintenance characteristics will be required.

3) Heating Capacity

A) Sufficient heating capacity shall be provided to consistently maintain the design sludge temperature considering the insulation provided and ambient cold weather conditions. Where digestion tank gas is used for other purposes, an auxiliary fuel may be required. B) The provision of standby heating capacity or the use of

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multiple units sized to provide the heating requirements while using no less than acceptable alternative means of handling and cooling sludge are controls.

- 4) Hot Water Internal Heating Controls
 - A) Mixing Valves

A suitable automatic mixing valve shall be provided to temper the boiler water with return water so that the inlet water to the removable heat jacket or coil in the digester can be held below a temperature at which caking will be accentuated. Manual control should also be provided by suitable bypass valves.
 - B) Boiler Controls

The boiler should be provided with suitable automatic controls to maintain the boiler temperature at approximately 180° F (82° C) to minimize corrosion and to shut off the main gas supply in the event of pilot burner or electrical failure. Boiler water level, low gas pressure, and boiler water temperature or pressure.
 - C) Boiler Water Pumps

Boiler water pumps shall be sealed and sized to meet the operating conditions of temperature, operating head and flow rate. Duplicate units shall be provided.
 - D) Thermometers

Thermometers shall be provided to show inlet and outlet temperatures of the sludge, hot water feed, hot water return and boiler water.
 - E) Water Supply

The chemical quality of the water supply shall be suitable for use as boiler water. Refer to Section 370.550(b) for additional water supply considerations.

- 5) External Heater Operating Controls

Additional controls necessary to insure effective and safe operation are required. Provision for duplicate units in critical elements should be considered.

- 6) Digester-Mixing

Provisions for mixing the digester contents shall be provided where required for proper digestion by reason of loading rates or other features of the system. Where sludge recirculation pumps are used for mixing they shall be provided in accordance with appropriate requirements of Section 370.176(f).

- 7) Supernatant Withdrawal

Where supernatant separation is to be used to concentrate sludge in the digester units and increase digester solids retention time, the design shall provide for ease of operation and positive control of supernatant quality.

- 1) Piping Size

Supernatant piping should not be less than 6 inches in diameter.
- 2) Withdrawal Arrangements

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- A) Withdrawal Levels

Piping should be arranged so that withdrawal can be made from 3 or more levels in the tank. An A-positive overflow vented overflow shall be provided. The emergency overflow shall be sized to a point and at a rate in the treatment process or sidestream treatment facilities so as to minimize the impact on process units.
- B) Withdrawal Selection

On fixed cover tanks the supernatant withdrawal level should preferably be selected by means of interchangeable extensions at the discharge end of the piping.
- C) Supernatant Selector
 - 1) A fixed screen supernatant selector or similar device may only be used in an unlined secondary digestion unit. If such a supernatant selector is provided, provisions shall be made for at least one other draw-off level located in the supernatant tank to permit tank connections to the unvalved emergency supernatant draw-off pipe. High pressure back-wash facilities shall be provided.
 - 2) A supernatant selector is not recommended for a single-stage digester with supernatant return to the main process.

- 3) Sampling

Provision shall be made for sampling at each supernatant draw-off level. Sampling pipes should be at least 1 1/2 inches in diameter and should terminate at a suitably sized sampling sink or basin.
- 4) Supernatant Disposal

Supernatant return and disposal facilities shall be designed to prevent adverse hydraulic and organic effects on plant operations. If nutrient removal (e.g., phosphorus, ammonia) must be accomplished at a plant, then a separate supernatant side stream treatment system should be considered provided.

(Source: Amended at 21 Ill. Reg. 7, effective 1/1/77)

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Section 370.840 Aerobic Sludge Digestion

- a) General

The aerobic sludge digestion system shall include provisions separate unit-processes for digestion, supernatant separation, and sludge concentration and any necessary sludge storage. These may be accomplished with separate tanks or processes or in digestion tanks.
- b) Multiple Digestion Units

Multiple digestion units capable of independent operation are recommended for all plants and shall be provided in those plants where the design sludge flow exceeds 100,000 gallons per day. Plants

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without multiple units shall provide alternate sludge handling and disposal methods. Multiple tanks should be provided:

- c) Tank Capacity
- 1) The following digestion tank capacities are based on a solids concentration of 2 percent with supernatant separation performed in a separate tank. If supernatant separation is performed in the digestion tank, a minimum of 25 percent additional volume is required. These capacities shall be provided unless sludge thickening facilities (refer to Section 370.820 370.8193) are provided to increase the feed solids concentration to greater than 2 percent. If sludge thickening is provided, the digestion volumes may be decreased proportionally.

Sludge Source	Volume (ft. ³ /Population Equivalent (P.E.))
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Waste activated sludge-no primary settling	4.5*
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Primary plus waste activated sludge	4.0*
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Waste activated sludge exclusive of primary sludge	2.0*
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Extended aeration activated sludge	3.0+†
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Primary plus fixed film reactor sludges	3.0
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*These volumes apply to waste activated sludge from single stage nitrification facilities with less than 24 hours detention time based on design average flow.

- 2) These volumes are based on digester temperatures of 59° F (15° Celsius + C) and a solids retention time of 27 days. Aerobic digesters shall be covered to minimize heat loss of these volumes. Sludge shall be increased for colder temperature applications. Refer to subsection (g) below for necessary sludge storage. Additional volume may be required if the land application disposal method is used in order to meet applicable Federal regulations.

- d) Mixing

Aerobic digesters shall be equipped with devices which can maintain solids in suspension and which provide complete mixing of the digester contents.

- e) Air Requirements

Sufficient air shall be provided to keep the solids in suspension and

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maintain dissolved oxygen between 1 and 2 milligrams per liter (mg/l). For a minimum mixing and oxygen requirements, an air supply of 30 cfm per 1000 cubic feet of tank volume shall be provided with the largest blower out of service. If diffusers are used, the nonclog type is recommended, and they should be provided to permit continuity of service. If mechanical turbine aerators are utilized, at least two turbine aerators per tank shall be provided to permit continuity of service. Mechanical aerators are not acceptable for use in aerobic digesters due to freezing conditions experienced throughout Illinois.

- f) Supernatant Separation and Sludge and Grease Removal
- 1) Supernatant separation provided for effective separation or decanting of supernatant and for effective collection and removal of sludge and grease for final disposal. Separate facilities are recommended, however, supernatant separation may be accomplished in the digestion tank if additional volume is provided, in accordance with subsection (c) above. The supernatant drawoff unit shall be designed to prevent the recycle of sludge and grease back to plant process units. Provision should be made to withdraw supernatant from multiple levels of the supernatant withdrawal zone.
- 2) Sludge and Grease Removal
- Facilities shall be provided for the effective collection of sludge and grease for final disposal and to prevent recycle back to plant process units and prevent sludge accumulation and grease build-up in the digestion tank.
- g) High Level Emergency Overflow
- An unvalved high level overflow and any necessary piping shall be provided to return digester overflow back to the head of the plant or to the aeration process in case of accidental overflowing. The design of the overflow shall take into account the length of time and rate at which sludge is wasted during periods when the treatment plant is unattended. Potential effects of overflow on plant process units, location of the discharge from the emergency overflow, and the potential for discharge of suspended solids in the plant effluent.
- h) Digested Sludge Storage Volume
- 1) Sludge storage must be provided in accordance with Section 370.820 either as additional volume in the digester or as a separate tank to accommodate daily sludge production volumes and an operational buffer to unit outages and adverse weather conditions. Sludges utilizing increased storage in the activated sludge system as a means of storage are not acceptable.
- 2) Liquid sludge storage tank capacity shall be based on the following values unless digested sludge thickening facilities are utilized (refer to Section 370.173) to provide solids concentrations to greater than 2 percent.

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Sludge Source	Volume (ft. ³)/P.E./day
Waste activated sludge-no primary settling, primary plus waste activated sludge, and extended aeration activated sludge	0.13
Waste activated sludge exclusive of primary sludge	0.06
Primary plus fixed film reactor sludged	0.10
3) Rational calculations justifying the number-of-days-storage-to-be maintained shall be submitted and shall be based on the total sludge-handling system	
Source: Asited at 21 Ill. Reg.	effective

Section 370.845 High pH Stabilization

- a) General
Alkaline material may be added to liquid primary or secondary sludges for sludge stabilization in lieu of digestion facilities, to supplement existing digestion facilities, or for interim sludge handling. Inasmuch as the high pH stabilization process does not reduce organic matter but rather increases the mass of dry sludge solids, so that additional volumes of sludge will be generated in the absence of supplemental dewatering, the design shall account for the increased sludge quantities for storage and handling, transportation and disposal methods and associated costs. Alkaline material may be added to dewatered sludges for stabilization pursuant to Section 370.52(b)(2).
- b) Operational Criteria
Sufficient alkaline material shall be added to liquid sludge in order to produce a homogeneous mixture with a minimum pH of 12 after 2 hours of vigorous mixing. Facilities for adding supplemental alkaline material shall be provided to maintain the pH of the sludge during interim sludge storage periods.
- c) Odor Control and Ventilation
Odor control facilities shall be provided for sludge mixing and treated sludge storage tanks that are located within 1/2 mile of residential or agricultural areas. Indoor sludge mixing, storage and treatment facilities shall be provided with adequate odor control and ventilation requirements contained in Section 370.410(a)(1)-(3) and (6) and shall comply with the safety precautions contained in Section 370.560. Adequate facilities shall be provided to condition the

- b) **Operational Criteria**
Sufficient alkaline material shall be added to liquid sludge in order to produce a homogeneous mixture with a minimum pH of 12 after 2 hours of vigorous mixing. Facilities for adding supplemental alkaline material shall be provided to maintain the pH of the sludge during interim sludge storage periods.
- c) **Odor Control and Ventilation**
Odor control facilities shall be provided for sludge mixing and treated sludge storage tanks that are located within 1/2 mile of residential or commercial areas. Indoor sludge mixing, storage and processing facilities shall have ventilation that meets the ventilation requirements contained in Section 370.410(1)(4) and (6) and shall comply with the safety precautions contained in Section 370.560. Adequate facilities shall be provided to condition the

- c) Odor Control and Ventilation. Odor control facilities shall be provided for sludge mixing and treated sludge storage tanks that are located within 1/2 mile of residential or commercial areas. Indoor sludge mixing, storage and processing facilities shall have ventilation that meets the ventilation requirements contained in Section 370.410(1)-(4) and (6) and shall comply with the safety precautions contained in Section 370.560. Adequate facilities shall be provided to condition the

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exhaust air to meet the applicable substantive and permitting requirements of 35 Ill. Adm. Code Subtitle B: Air Pollution. Mixing Tanks and Equipment

11. **Mixing Tanks** may be designed to operate as either a batch or continuous flow process. A minimum of two tanks of adequate size to provide a minimum of 2 hours of contact time in each tank shall be provided. The following factors shall also be taken into account in determining the number and size of tanks:
 - A) Peak sludge flow rates;
 - B) Storage between tanks;
 - C) Dewatering or thickening performed in tanks;
 - D) Reaerating sludge treatment due to re decay of stored sludge;
 - E) Sludge thickening prior to sludge treatment;
 - F) Mixing and dewatering equipment used and associated maintenance and repair requirements.
21. **Mixing Equipment** shall be designed to provide vigorous agitation within the mixing tank, to maintain solids in suspension and to provide for a homogeneous mixture of the sludge solids and alkaline material. Mixing may be accomplished by either diffused aeration or mechanical mixing. For diffused aeration, an air supply of 30 cfm per 1000 cubic feet of mixing tank volume with the largest blower out of service shall be provided. Nonclogging diffusers designed to permit continuity of service should be used. Mechanical mixers shall be designed to assure continuity of service during freezing weather conditions and shall be equipped with impellers designed to minimize fouling from debris in the sludge.
31. **Chemical Feed and Storage Equipment**
 11. **General**

Equipment used for handling or storing alkaline shall be designed to provide operator protection from eye and tissue damage. Refer to Section 370.560 for proper safety precautions. Material storage, slaking and feed equipment shall be sealed as airtight as practicable to prevent contact of alkaline material with atmospheric carbon dioxide and water vapor and to prevent the escape of dust material. All equipment and associated transfer lines of pipe shall be accessible for cleaning.
 21. **Feed and Slaking Equipment**

The design of the feeding equipment shall be determined by the treatment plant size, type of alkaline material used, slaking required and operator requirements. Automated or batch equipment may be used. Automated feeders may be volumetric or gravimetric, based on accuracy, reliability, and maintenance requirements. Manually operated feeders may be designed to avoid dust. Dust shall be avoided unless protective clothing and equipment are provided. At small plants, for safety reasons, the use of hydrated lime

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(CaOH)(2) over quicklime is recommended. Feed and slaking equipment shall be sized to handle a minimum of 150% of the peak sludge flow rate, including sludge that may need to be retreated due to pH decay. Duplicate units shall be provided.

3) Chemical Storage Facilities

Alkaline materials may be received in either bag or bulk form. Materials delivered in bags must be stored indoors and elevated above floor level. Bags should be multi-walled and moisture-proof. Dry bulk storage containers must be as airtight as practicable and shall contain a mechanical ventilation system. Storage facilities shall be sized to provide a minimum 30-day supply of the material. Storage facilities shall be made to meet the applicable subpartive B, Air Pollution requirements of 35 Ill. Adm. Code Subtitle B: Air Pollution.

f) Sludge Storage

Refer to Section 370.870 for general design considerations for sludge storage facilities. The design shall incorporate the following considerations for the storage of high pH stabilized sludge:

1) Liquid Sludge

Liquid high pH stabilized sludge shall be stored in a tank or vessel equipped with rapid sludge withdrawal mechanisms for sludge disposal or retreatment and may not be stored in a lagoon. Provision shall be made for adding alkaline material in the storage tank. Mixing equipment meeting the requirements of subsection (2) above shall be provided in all storage tanks.

2) On-site Storage of dewatered high pH stabilized sludge shall be limited to 30 days. Provisions shall be made for rapid retreatment or disposal of dewatered sludge stored on site in case of sludge pH decay.

3) Off-Site Storage

There shall be no off-site storage of high pH stabilized sludge unless the Agency has issued a permit for off-site storage.

g) Disposal

Methods and options for immediate sludge disposal should be used in order to reduce the on-site sludge inventory and the amount of sludge that must be retreated to reduce odors when sludge pH decay occurs. Where land application is used, the sludge must be incorporated into the soil within 24 hours after application.

(Source: Added at 21 Ill. Reg. 16, effective 1/1/81)

Section 370.850 Sludge Pumps and Piping

a) Sludge Pumps

1) Capacity

Pump capacities shall be adequate but not excessive. Provision

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for varying pump capacity is desirable. A rational basis of design shall be provided with the plan documents.

2) Duplicate Units

Duplicate units shall be provided at all installations.

3) Type

Plunger pumps, screw feed pumps or other types of pumps with demonstrated solids handling capability shall be provided for handling raw sludge. Where centrifugal pumps are used, a parallel positive displacement pump shall be provided as an alternate to pump heavy sludge concentrations, such as primarily on thickened sludges, that may exceed the pumping head of the centrifugal pump.

4) Minimum Head

A minimum positive head of 24 inches shall be provided at the suction side of centrifugal type pumps and is desirable for all types of sludge pumps. Maximum suction lifts should not exceed 10 feet for plunger pumps.

5) Sampling Facilities

Unless sludge sampling facilities are otherwise provided, quick closing sampling valves shall be installed at the sludge pumps. The size of valve and piping should be at least 1 1/2 inches and terminate at a suitably sized sampling sink or floor drain.

b) Sludge Piping

1) Size and Head
Sludge withdrawal piping should have a minimum diameter of 8 inches for gravity withdrawal and 6 inches for pump suction and discharge lines. Where withdrawal is by gravity, the available head on the discharge pipe should be at least 4 feet and preferably more. Undisturbed sludge withdrawal piping shall be sized in accordance with Section 370.720(b)(3).

2) Slope and Flushing Requirements

Gravity piping should be laid on uniform grade and alignment. Slope on gravity discharge piping should not be less than 3 percent for primary sludges and all sludges thickened to greater than 2 percent solids. The slope on gravity discharge piping should not be less than 2 percent for aerobically digested sludge or waste activated sludge with less than 2 percent solids. Cleanouts shall be provided for all gravity sludge piping. Piping shall be installed with a minimum 1/2 inch diameter flushing line. All sludge pipe shall be suitably located or otherwise adequately protected to prevent freezing.

3) Supports

Special consideration shall be given to the corrosion resistance and permanence of supporting systems for piping located inside the digestion tank.

(Source: Amended at 21 Ill. Reg. 16, effective 1/1/81)

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Section 370.860 Sludge Dewatering

a) General

On-site sludge dewatering facilities shall be provided for all plants, although the following requirements may be reduced or omitted, if justified, with on-site liquid sludge storage facilities or approved off-site sludge disposal. Brineage--from--beds--or--filtrate--from dewatering-units--shall--be--returned--to--process.

1) Anaerobic Digestion Sludge Production
For purposes of calculating sludge handling and disposal needs, sludge production values from a two-stage anaerobic digestion process receiving primary and waste-activated-sludge shall be based on estimated--as-at-least--6-lb-dry/100-lb-dry-of-dry-solids wet-sludge--with-a-minimum-concentration-of-3% without additional thickening. The solids concentration must be calculated on a dry weight basis, shall be based on the following values for the listed processes: A--production-value-of-0.085-lb-dry/100-lb-dry-shall be--used--for--primary--and--fixed-film-reactor-plants--Refer-to Section-370.875(gg);

A) Primary plus waste activated sludge--at least 0.12

lbs/P.E./day;

B) Primary plus fixed film reactor sludge--at least 0.09

lbs/P.E./day.

2) Aerobic Digestion Sludge Production

For purposes of calculating sludge handling and disposal needs, sludge production values from an aerobic digester receiving primary and waste-activated-sludge shall be based on estimated--as-at-least--16-lb-dry/100-lb-dry-of-dry-solids--with-a-minimum-concentration-of-10% without additional thickening. A--production value-of-0.12-lb-dry/100-lb-dry-shall--be--used--for--primary--and--fixed film-reactor-plants--Refer-to-Section-370.875(gg). The solids production values, calculated on a dry weight basis, shall be based on the following values for the listed processes:

A) Primary plus waste activated sludge--at least 0.16

lbs/P.E./day;

B) Primary plus fixed film reactor sludge--at least 0.12

lbs/P.E./day.

3) Production from Other Sludge Treatment Processes

For purposes of calculating sludge handling and disposal needs, sludge production values from other sludge treatment processes shall be determined by rational calculations in the basis of design. Refer to Section 370.520(b) for any new process determinations.

b) Sludge Handling

1) Applicability

Sludge drying beds may be used for dewatering well digested sludge from either the anaerobic or aerobic process. Due to the large volume of sludge produced by the aerobic digestion process,

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Section 370.860 Sludge Dewatering

a) General

consideration should be given to using a combination of dewatering systems or other means of ultimate sludge disposal.

Unit Sizing
Sludge drying bed area shall be calculated on a rational basis with the following items taken into account considered:

A) The volume of wet sludge produced by existing and proposed processes.

B) Depth of wet sludge drawn to the drying beds. For design calculations purposes a maximum depth of 8 inches shall be utilized. For occasional purposes, the depth of sludge placed on the drying bed may vary from the design depth based on the solids content and the type of digestion used.

C) Digester volume and other wet sludge storage facilities.

D) Degree of sludge thickening after digestion.

E) The maximum drawing depth of sludge which can be removed from the digester or other sludge storage facilities without causing process or structural problems.

F) The time required on the bed to produce a removable cake.

G) Adequate provision shall be made for sludge dewatering and/or sludge disposal facilities for those periods of time during which outside drying of sludge on beds is hindered by weather. For Illinois that season is considered to extend from early November through at least April.

H) Capacities of auxiliary dewatering facilities.

I) Percolation Type Bed Components

A) Gravel
The lower course of gravel around the underdrains should be properly graded and should be 12 inches thick. Underdrains at least 6 inches above the top of the underdrains. It is desirable to place this in 2 or more layers. The top layer of at least 3 inches should consist of gravel 1/8 inch to 1/4 inch in size.

B) Sand
The top course should consist of at least 6 to 9 inches of clean, washed, coarse sand. The effective size of the sand should be in the range of 0.8 to 1.5 millimeters. The finished sand surface should be level.

C) Underdrains
Underdrains should be city-pipe-or-concrete-drain-tile at least 4 inches in diameter laid with open joints. Perforated stainless-steel-perforated pipe may also be used. Underdrains should be spaced not more than 20 feet apart. Underdrains may be covered, so long as they are sufficiently free of debris to prevent corrosion resistance.

D) Additional Dewatering Provisions
Consideration shall be given to providing a means of decanting the supernatant of sludge placed on the sludge

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driving beds. More effective decanting of supernatant may be accomplished with polymer treatment of the sludge.

- 4) Walls should be water-tight and extend 18 inches above and at least 6 inches below the surface of the bed. Outer walls should be curved or extended at least 4 inches above the outside grade elevation to prevent soil from washing on to the beds.
- 5) Sludge Removal
 - Each bed shall be constructed so as to be readily and completely accessible to mechanical cleaning equipment. Concrete runways spaced to accommodate such equipment shall be provided.
 - Spill tightness should be given consideration to the areas adjacent to the sidewalls. Entrance ramps down to the level of the sand bed shall be provided. These ramps shall be high enough to eliminate the need for an entrance end wall for the sludge bed.

c) Sludge Lagoons for Dewatering

- 1) General
 - Lagoons as a means of disposing of or dewatering digested sludge will be permitted only upon proof that the character of the digested sludge and the design mode of operation are such that offensive odors will not result. Where sludge lagoons are permitted, adequate provisions shall be made for other sludge dewatering facilities or sludge disposal in the event of upset or failure of the sludge digestion process.

- 2) Sludge lagoons shall be located as far as practicable from inhabited areas or areas likely to be inhabited during the lifetime of the structures.

- 3) Adequate provisions shall be made to seal the lagoon bottoms and embankments to prevent leaching into adjacent soils or groundwater. Refer to Section 370.930(d)(1)(A), (d)(2)(C) and (d)(2)(D).

- 4) Access
 - Provisions shall be made for sludge pumping or heavy equipment access for sludge removal from the lagoon.

d) Mechanical Dewatering Facilities

- 1) General
 - Sludge storage facilities shall be made to maintain sufficient continuity of service so that sludge may be dewatered without interruption beyond storage capacity. The number of vacuum filters, centrifuges, filter presses, belt filters, or other mechanical dewatering facilities should be sufficient to dewater the sludge produced with the largest unit out of service. Unless other standby wet sludge facilities are available, adequate storage facilities of at least 4 days production volume shall be provided. Documentation must be submitted justifying the basis

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of design of mechanical dewatering facilities.

2) Water Supply Protection

The water supply for mechanical dewatering facilities shall meet the requirements of Section 370.550(b). Adequate facilities shall be provided to condition the exhaust air so that air pollution control objectives are met.

3) Auxiliary Facilities for Vacuum Filters

Back-up vacuum and filtrate pumps shall be provided. It is permissible to have uninstalled back-up vacuum and filtrate pumps installed until they are needed. Back-up vacuum and filtrate pumps installed until they are needed. At least one filter media replacement unit shall be provided.

4) Ventilation

Adequate facilities shall be provided for ventilation of the dewatering area. The exhaust air should be properly conditioned to avoid odor nuisance. Ventilation shall be provided in accordance with Section 370.410(g)(6).

5) Chemical Handling Enclosures

Line-mixing facilities should be completely enclosed to prevent the escape of lime dust. Chemical handling equipment should be automated to eliminate the manual lifting requirement. Refer to Section 370.560.

6) Drainage and Filtrate Disposal

Discharge from beds or filtrate dewatering units shall be returned to the drainage or filtrate treatment plant at designated points and rates.

Other dewatering or disposal facilities
If it is proposed to dewater or dispose of sludge by other methods, a detailed description of the process and design data shall accompany the plans. Refer to Section 370.520(b) for any new process determinations.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 370.870 Sludge Storage and Disposal

a) Storage

1) General

Sludge storage facilities shall be provided at all mechanical treatment plants, and may consist of any combination of drying beds, lagoons, separate tanks, additional volume in stabilization units, pad areas or other means to store either liquid or dried sludge. Drainage of supernatant from sludge storage facilities shall be returned to the sewage treatment process at appropriate points and rates. Refer to Section 370.860(b) and (c) for drying bed and lagoon design criteria, respectively.

2) Volume

Rational calculations justifying the number of days of storage

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based on the total sludge handling and disposal system shall be submitted. Refer to Sections 370.840(g) and 370.860(a) for anaerobic and aerobicly digested sludge production values. Values for other stabilization processes shall be justified on the basis of design. If land application is the only means of sludge disposal used at a treatment plant, a minimum of 150 days storage shall be provided, in order to account for inclement weather and cropping practices.

b) Disposal

1) Sanitary Landfilling
Sludge and other residues may be disposed of in Agency approved municipal solid waste landfill units sanitary-landfills under the terms and conditions of permits issued by the Agency's Bureau of Land Division-of-land-Pollution-Control. On-site landfilling shall be conducted in conformance with the design recommendations of the Bureau of Land and must be approved by the Agency's Bureau of Water.

2) Land Application Disposal

Specific design criteria for land application of sludge are set out in Design Criteria for Sludge Application on Land, 35 Ill. Adm. Code 391. Additional operating criteria may be obtained from applicable Federal regulations. In order to assure compliance with the facility's effluent standards, alternative sludge disposal options to account for inclement weather and cropping practices are recommended. Under favorable conditions the following design considerations include but are not limited to: important design considerations include but are not necessarily limited to: sludge stabilization process, sludge chemical make-up, local topography and hydrology, cropping practices, spreading and incorporation, technique, population density, and odor control, local groundwater quality and usage. Some design guidance may be obtained from other Agency publications on this subject. Approvals for this disposal technique may be obtained on a case-by-case basis.

3) Sludge Lagoons

The use of lagoons for ultimate disposal of sludge is not recommended because of odor potential, area and volume required, and possible long term problems from groundwater contamination. If a lagoon is proposed, a hydrogeologic survey must be performed to demonstrate the appropriateness of a disposal lagoon at the particular site. A groundwater monitoring program must be installed at a lagoon design. Refer to Section 370.860(c) for lagoon design criteria.

4) Other Disposal Methods

A detailed description of the technique and design data shall accompany the plans of any proposal to dispose of sludge by methods other than those specified in this Section. Refer to Section 370.520(b) for any process determinations.

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(Source: Amended at 21 Ill. Reg. 12-1-81 effective 1-1-82)

SUBPART 1: BIOLOGICAL TREATMENT

Section 370.900 Trickling Filters

a) General

1) Applicability

Trickling filters may be used for treatment of sewage amenable to treatment by aerobic biologic processes. Trickling filters shall be preceded by settling tanks equipped with scum and grease collecting devices, or other suitable pretreatment facilities.

2) Design Basis

Filters shall be designed so as to provide the required reduction in biochemical oxygen demand, ammonia nitrogen, or to properly condition the sewage for subsequent treatment processes.

3) Multiple Units

Multiple trickling filter units capable of independent operation are recommended for all plants and must be provided for those plants where the design average flow exceeds 100,000 gallons per day. Plants not having multiple units shall include other provisions to assure continuity of treatment.

b) Dosing Equipment1) Distribution

A) All hydraulic factors involving proper distribution of sewage on the filter should be carefully calculated and submitted with the basis of design.

B) The sewage may be distributed over the filter by rotary distributors or other suitable devices which will permit reasonably uniform distribution to the surface area. At design average flow, the deviation from calculated uniformly distributed volume per square foot of the filter surface shall not exceed plus or minus 10 percent at any point.

2) Dosing and Recirculation

A) Sewage may be applied to the filters by siphons, pumps or by gravity. Recirculation of treated effluent to its source of origin is a desirable filter characteristic. When developed, application of the sewage should be continuous except for low rate filters. A hydraulic system for recirculation shall be provided for new facilities and should be considered where existing trickling filter units are included in treatment plant upgrading.

B) The piping system, including dosing equipment and distributor, shall be designed to provide capacity for the peak hourly flow rate including recirculation rates

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acceptable for flushing purposes. Inspection facilities should be provided.

- 4) Ventilation Requirements for Underdrains

The underdrainage system, effluent channels, and effluent pipe should be designed to permit the free passage of air. The size of drains should be determined by the design of the filter. The percent of their cross-sectional area will be submerged under the design hydraulic loading. Consideration should be given in the design of the effluent channels to the possibility of increased hydraulic loading.

- e) Special Features

- 1) Flooding
Provision shall be made in the design of conventional rock filter structures so that the media may be flooded.

- 2) Maintenance

All distribution devices, underdrains, channels and pipes shall be designed so that they may be properly maintained, flushed or drained.

- 3) Flow Measurement

Filters shall be provided to permit measurement of flow to the filter and to the effluent channels.

- 4) Protection From Freezing

Trickling filters shall be covered to protect from freezing, and to maintain operation and treatment efficiencies. The filter cover design shall be constructed of appropriate corrosion resistant materials and designed to allow operator access for maintenance, repair and replacement of the filter dosing equipment in accordance with Section 370-202.10(2).

- 5) Ventilation of Covered Filters

Forced ventilation shall should be provided for covered trickling filters to insure adequate oxygen for process requirements. Windows or similar lowered mechanisms so arranged to insure air distribution throughout the enclosure shall be provided. The ventilation facilities shall be designed to allow operator control of air flow in accordance with outside temperature. Consideration shall be given to the amount of air flow to satisfy process oxygen requirements shall be submitted. Refer to Section 370-202.10(2).

- f) Two-Stage Filters

The foregoing standards also apply to second stage filters.

- g) Special Applications

- 1) Roughing Filters
In some instances it is desirable to partially reduce the organic strength of wastewaters. In such cases trickling filters may be used for roughing treatment. Design parameters and contaminant removal efficiencies will be approved on a case-by-case basis. Refer to subsections (h)(2) and (h)(3).

- 2) Nitrifying Filters

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Trickling filters may, under favorable conditions, be used as nitrification devices. Design parameters and contaminant removal efficiencies will be approved on a case-by-case basis. Refer to Section 370-1210.0(7)(f).

- b) Efficiencies

- 1) Single Stage, Settling Tank -- No Recirculation
Expected reduction of BOD of settled normal domestic wastewater by a single stage filter, packed with crushed rock, slag or similar material and with subsequent settling, shall be determined from Appendix F, Figure No. 3. In developing this curve, loading due to recirculated sewage has not been considered.

- 2) Single or Multi-Stage, Settling Tank -- Recirculation
Expected BOD removal efficiencies may also be determined by theoretical and empirical formula if accompanied by detailed explanation, particularly for roughing filters and for filters with recirculation. (Refer to WEF Manual of Practice (MOP) No. 8, Design of Municipal Wastewater Treatment Plants, Vol. 1, 1972, published by the American Society of Civil Engineers, Inc., 1801 Alexander Bell Drive, Reston, Virginia 20191, and the American Society of Civil Engineers, Manual of Engineering Practice (MEP) No. 36).

- 3) Single or Multi-Stage, No Settling Tank -- Recirculation
Filters not followed by a settling tank and discharging into a subsequent treatment process shall not be credited with BOD removal efficiencies as in subsections (h)(1) and (h)(2) above. Expected performance in such cases, including filters packed with manufactured media, shall be determined from PROTYPE testing pilot-plant and full-scale plant experience.

(Source: Amended at 21 Ill. Reg. _____, effective _____.)

Section 370-910 Rotating Biological Contactors (Repealed)

a) General

- 1) Applicability

The Rotating Biological Contactors (RBC) process may be used where sewage is amenable to biological treatment. The process may be used to accomplish carbonaceous and/or nitrogenous oxygen demand reductions. Design standards, operating data and experience for this process are not well established. Therefore, expected performance of RBC units shall be based upon experience at similar full-scale installations or thoroughly documented pilot testing with the particular wastewater.

- 2) Winter Protection

A) Wastewater temperature affects rotating contactor performance. Rotating contactors shall be covered to protect the biological growth from cold temperatures and the

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excessive loss of heat from wastewater to prevent a loss of process performance.

B) The enclosure shall be constructed of suitable corrosion resistant materials. No minimize condensatory the enclosure should be adequately insulated. Enclosure design shall provide for operator and equipment access to the rotating contactors for maintenance repair and replacement.

3) Ventilation Process Air Requirements
The design of the process air system shall be provided to supply adequate oxygen for process air requirements. Windows or other mechanical means are arranged to insure air distribution throughout the enclosure structure shall be provided. The design of the ventilation facilities shall provide for operator control of ventilation air flow in accordance with outside seasonal temperatures. Design computations showing the adequacy of air flow to satisfy the process oxygen needs shall be submitted.

b) Required Pretreatment and Post-Setting
The RBC process must be preceded by effective settling tanks equipped with skims and grease collecting devices unless a substance justification is submitted for other pretreatment devices which provide for effective removal of gritty debris and excessive oil or grease prior to the RBC units. Bar screening is not suitable as the pretreatment. Post setting of RBC flow is required prior to the treatment discharge and shall be designed in accordance with Subpart 6.

e) Unit-Setting
1) Unit-Setting shall be based on experience at similar full-scale installations or thoroughly documented prototype pilot testing with the particular wastewater. In determining design loading rates, expressed in units of volume per day per unit area of media covered by biological growth, the following parameters must be considered:

A) Design flow rate and influent waste strength;

B) Percentage of BOD to be removed;

C) Media arrangement including number of stages and unit area in each stage;

D) Rotational velocity of the media and horsepower requirements per stage;

E) Retention time;

F) Temperature within the tank containing the media;

G) Wastewater temperature;

H) Percentage of influent BOD which is soluble;

I) In addition to the above parameters, loading rates for nitrification will depend upon influent total Kjeldahl nitrogen (TKN) and the allowable effluent ammonia-nitrogen concentration. Refer to Section 370.915(f).

D) Design Safety Factor and Process Aeration Capability

1) Effluent concentrations of BOD and ammonia nitrogen from the RBC

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process are affected by diurnal load variations. Therefore, it may be necessary to increase the design surface area proportional to the organic and ammonia nitrogen diurnal peaking rates to meet effluent limitations. An alternative is to provide flow equalization sufficient to insure process performance within the required effluent limitations.

2) Process Design Requirements
The process design shall provide for maintaining a minimum dissolved oxygen concentration of 2.0 mg/l throughout the liquor in the RBC basins under maximum waste weather design conditions. The specifications shall provide for testing of the completed RBC facilities to determine that the expected performance is met including the adequacy of the ventilation facilities provided under subsection (a)(3).

e) Arrangement of Units

1) Continuity of Operation
The design arrangement of the RBC units shall provide flexibility of operational mode to assure minimum effluent deterioration when one or more shafts are out of service.

2) Access to Units
The design arrangement of the RBC units shall provide for ease of access to the basins for maintenance and component parts replacement including media and shafts. Refer to subsection (a)(2).

f) Media Protection and Quality
RBC media shall be protected from ultraviolet degradation and be resistant to disintegration, erosion, aging, all common acids, alkalis, organic compounds and fungi and other biological attacks.

(Source: Repealed at 21 Ill. Reg. _____, effective _____.)

Section 370.915 Rotating Biological Contactors

a) General
Wastewater treatment facilities that choose to use rotating biological contactors (RBCs) shall submit to the Agency for review field experience and operational data that demonstrates that observed problems with the process have been solved at similar full scale installations. The Agency will review the claimed field experience against known field conditions and the operational history of observed problems at similar facilities.

b) Mechanical Reliability and Structural Integrity

1) The mechanical and structural reliability of the shafts and media subjected to cyclic stress reversals must be demonstrated relative to the design life of the plant and the known weight of the machines based on field experience.

2) The design must show that film thickness will be effectively controlled throughout all parts of the media back to prevent

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excessive film weight and water pickup weight due to plugging restrictions. The equipment design must include load cells to warn of the need for film thickness control and to demonstrate the effectiveness of the proposed film thickness control practices.

c) Process Reliability

1) Process reliability must be demonstrated, including proven operational control procedures relative to design or basic loadings for the unit media area or volume, which satisfactorily assure that the available effluent standards are met. The design shall include operational control procedures that will prevent process functional deficiencies from occurring. The design shall include provisions for media plugging that cause the weight to exceed shaft and media structural capabilities during the design life of the plant.

2) The design must show that adequate void clearance (as distinguished from void ratio) is provided to insure that the biological film, including any grease and fats that may accumulate, will not interfere with the flow of liquid and air in the media pack. The Agency will compare the RBC designs under review to past experience with designs used for plastic trickling filter media to accomplish adequate void clearance.

3) The design shall provide for maintaining a minimum of 2.0 mg/l dissolved oxygen in the basin liquor. The effectiveness of the proposed method for maintaining adequate dissolved oxygen will be demonstrated based on field experience at similar full scale installations.

4) If pilot testing is proposed, the size of the RBC pilot plant unit and the scope and duration of the testing program on the specific waste that will be treated must be thoroughly documented. The proposed pilot testing program should be submitted to the Agency for comment prior to the initiation of testing. The RBC pilot units must be of prototype scale. Because of differential seasonal weight and plugging field problems, the test period must cover the four seasons, to allow the Agency to evaluate the proposed design against the experience of existing full scale plants.

5) The process design must include provisions for meeting applicable effluent limits with some units out of service for unit repair, biofilm thickness control, out-of-balance correction and other operational problems. Added units for standby credit will be required to insure compliance with effluent limitations and to provide for maintenance, repair, or process control upsets outside for maintenance, repair, or process control upsets.

(Source: Added at 21 Ill. Reg. 12550, effective 4/1/81)

Section 370.920 Activated Sludge

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a) General

1) Applicability

A) Biodegradable Wastes

The activated sludge process, and its various modifications, may be used to treat wastewater which is amenable to biological treatment. Approval of new activated sludge plants shall be limited to those plants where the design average flow capacity exceeds 0.25 mgd.

B) Operation Control Requirements
The activated sludge process requires close attention and competent operating supervision. Facilities and appointments for routine control and control tests shall be provided at all activated sludge plants. These requirements shall be considered when proposing this type of treatment.

C) Energy Requirements

This process requires major energy usage to meet aeration demands. Energy costs and potential mandatory emergency public power reduction events, in relation to critical water quality conditions, must be carefully evaluated. Capability of energy usage phasedown while still maintaining process viability, both under normal and emergency energy availability conditions, must be included in the activated sludge design.

2)

Specific Process Solids

The activated sludge process and its several modifications may be employed to accomplish varied degrees of removal of suspended solids and reduction of 5-day BOD and nitrogenous oxygen demand. Choice of the process most applicable will be influenced by the proposed plant size, type of waste to be treated, treatability of waste, degree and consistency of treatment required and local factors. All designs shall provide for flexibility in operation. All plants shall be designed to operate in at least two various modes.

3) Winter Protection

Units shall be protected against freezing. Maximum utilization of earthen bank insulation shall be considered.

4)

Process Efficiency

The activated sludge process designed within the organic and hydraulic loading limits of these standards, treating normal domestic wastewater, may be expected to meet an effluent flow, or industrial wastes, may be expected to meet an effluent standard of 20 mg/l CBOD(5) or BOD(5) and 25 mg/l suspended solids 24/25--mg/l BOD(5)/suspended--solids when computed on a 30-day monthly average basis. Those installations which are anticipated to be subject to surge loadings, long term peak flows or industrial wastes shall have appropriate design modifications in order to assure consistent effluent quality.

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- b) Preliminary Treatment
Effective removal of grit, debris, excessive oil and grease and screening of solids shall be accomplished prior to the activated sludge process. Where primary settling does not precede the activated sludge process, screening with 1/2 inch or smaller clear opening is recommended in order to prevent floating or return sludge bypass pumps.
- c) Primary Treatment Bypass
Where primary settling is used, provision shall also be made for discharging effluent directly to the aeration tanks following preliminary treatment.
- d) Process Organic Loadings
The aeration tank capacities and permissible loadings for the several adaptations of the processes shown in the table shall be used.

Permissible Organic Loading
For The Activated Sludge Processes
For Normal Domestic Sewage*

Process Mode	Plant Design Average Flow Size	Aeration Tank Organic Loading, lbs BOD(5)/day/Per 1000 cu. ft.
Conventional, Complete Mix, Contact Stabilization,** Step Aeration, Tapered Aeration	Less than 1 mgd Design-Flow 0.25-1 mgd Design-Flow 1 mgd or greater	35 50

- * For All
Design-Flows
- Extended Aeration
Single Stage Nitrification
- * Where significant industrial wastes will be tributary to the process, design modification shall be made as required by subsection (a)(9), to assure compliance with effluent standards.
- ** Total aeration capacity includes both contact and re-aeration capacities.
- *** Detention time at Design Average Flow for extended aeration shall be 24 hours. This requirement may govern tank capacity. Detention time for single stage activated sludge for nitrification is governed by Section 370.1210(c)(3)(B).
- e) Aeration Tanks
†† Aeration-Tanks

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- 1)†† Multiple Units
Multiple tanks shall be provided. Tanks shall be designed so that each tank may be dewatered and operated independently.
- 2)†† Tank Geometry
The dimensions of each independent mixed liquor aeration tank or return sludge re-aeration tank shall be such as to maintain effective mixing and utilization of air. Liquid depths should not be less than 10 feet. The shape of the tank, the location of the inlet and outlet, and the installation of aeration equipment shall provide for positive control of short-circuiting through the tank.
- 3)†† Freeboard
All aeration tanks shall have a freeboard of not less than 18 inches. Greater heights are desirable. Suitable water spray systems or other approved means of froth and foam control shall be provided if foaming is anticipated.
- 4)†† Inlet and Outlet Control
Inlets and outlets for each aeration tank unit shall be suitably equipped with valves, gates, stop plates, weirs, or other devices to permit balancing, proportioning, and measuring the flow to and from any unit and to maintain reasonably constant liquid level. The hydraulic elements of the system shall permit the design peak flow maximum-instantaneous-hydraulic-load to be carried with any single aeration tank out of service.
- 5)†† Channels and Pipes
Channels and pipes carrying liquids with solids in suspension shall be designed to maintain self-cleansing velocities or shall be agitated to keep such solids in suspension at all design rates of flow. Adequate provisions should be made to drain segments of channels which are not being used due to alternate flow patterns.

††† Aeration Equipment

†††† General

- A)††† Aeration requirements depend upon mixing energy, BOD loading, degree of treatment, oxygen uptake rate, mixed liquor suspended solids concentration and sludge age. Aeration equipment shall be capable of maintaining a dissolved oxygen concentration of 2.0 mg/l in the aeration tanks under all design loads. Energy transfer shall be sufficient to maintain the mixed liquor solids in suspension.
- B)†††† In the case of nitrification, the oxygen requirement for oxidizing ammonia must be added to the above requirement for carbonaceous BOD removal. The nitrogen oxygen demand (NOD) shall be taken as 4.6 times the diurnal peak ammonia (as nitrogen) NH₄N content of the influent. In addition, the oxygen demands due to recycle flows such as sludge processing, return from excess flow first flush storage and other similar flows, must be taken into account---heat

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treatment-liquor-superheated-vacuum-filtration-equipment
etc.--must-be considered due to the high concentrations of
BOD and ammonia N/N associated with such flows.

C) Careful consideration should be given to maximizing
oxygen utilization per unit power input. Unless flow
equalization is provided, the aeration system should be
designed to match the diurnal organic load variation while
economizing on power input.

2) Diffused Air Systems
A) Except as noted in subsection (f)(2)(B) (a) (b) (c) (d) (e) (f) (g) (h) (i) (j) (k) (l) (m) (n) (o) (p) (q) (r) (s) (t) (u) (v) (w) (x) (y) (z) (aa) (ab) (ac) (ad) (ae) (af) (ag) (ah) (ai) (aj) (ak) (al) (am) (an) (ao) (ap) (aq) (ar) (as) (at) (au) (av) (aw) (ax) (ay) (az) (ba) (bb) (bc) (bd) (be) (bf) (bg) (bh) (bi) (bj) (bk) (bl) (bm) (bn) (bo) (bp) (bq) (br) (bs) (bt) (bu) (bv) (bw) (bx) (by) (bz) (ca) (cb) (cc) (cd) (ce) (cf) (cg) (ch) (ci) (cj) (ck) (cl) (cm) (cn) (co) (cp) (cq) (cr) (cs) (ct) (cu) (cv) (cw) (cx) (cy) (cz) (da) (db) (dc) (dd) (de) (df) (dg) (dh) (di) (dj) (dk) (dl) (dm) (dn) (do) (dp) (dq) (dr) (ds) (dt) (du) (dv) (dw) (dx) (dy) (dz) (ea) (eb) (ec) (ed) (ee) (ef) (eg) (eh) (ei) (ej) (ek) (el) (em) (en) (eo) (ep) (eq) (er) (es) (et) (eu) (ev) (ew) (ex) (ey) (ez) (fa) (fb) (fc) (fd) (fe) (ff) (fg) (fh) (fi) (fj) (fk) (fl) (fm) (fn) (fo) (fp) (fq) (fr) (fs) (ft) (fu) (fv) (fw) (fx) (fy) (fz) (ga) (gb) (gc) (gd) (ge) (gf) (gg) (gh) (gi) (gj) (gk) (gl) (gm) (gn) 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B) Requirements may be determined based upon transferring
1.0 lb. of oxygen to the aeration tank, with the exception of the extended aeration process, air
requirements shall be based on a design figure of 2250 cu
ft. of air supplied per lb. of BOD(5) applied to the
aeration tanks to account for oxygen demand for endogenous
respiration and ammonia (as nitrogen) for nitrification
waste. Refer to Section 370.1210(c) for nitrification
requirements. For which the value shall be 15 to include
endogenous respiration. Refer to Section 370.1210(d) for
nitrification requirements.

C) Requirements may be determined based upon transferring
1.0 lb. of oxygen to the aeration tank, with the exception of the extended aeration process, air
requirements shall be based on a design figure of 2250 cu
ft. of air supplied per lb. of BOD(5) applied to the
aeration tanks to account for oxygen demand for endogenous
respiration and ammonia (as nitrogen) for nitrification
waste. Refer to Section 370.1210(c) for nitrification
requirements. For which the value shall be 15 to include
endogenous respiration. Refer to Section 370.1210(d) for
nitrification requirements.

D) Requirements may be determined based upon transferring
1.0 lb. of oxygen to the aeration tank, with the exception of the extended aeration process, air
requirements shall be based on a design figure of 2250 cu
ft. of air supplied per lb. of BOD(5) applied to the
aeration tanks to account for oxygen demand for endogenous
respiration and ammonia (as nitrogen) for nitrification
waste. Refer to Section 370.1210(c) for nitrification
requirements. For which the value shall be 15 to include
endogenous respiration. Refer to Section 370.1210(d) for
nitrification requirements.

E) Requirements may be determined based upon transferring
1.0 lb. of oxygen to the aeration tank, with the exception of the extended aeration process, air
requirements shall be based on a design figure of 2250 cu
ft. of air supplied per lb. of BOD(5) applied to the
aeration tanks to account for oxygen demand for endogenous
respiration and ammonia (as nitrogen) for nitrification
waste. Refer to Section 370.1210(c) for nitrification
requirements. For which the value shall be 15 to include
endogenous respiration. Refer to Section 370.1210(d) for
nitrification requirements.

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Industrial wastes shall use a correspondingly lower
percentage of clean water efficiency and shall submit
calculations to justify such a percentage. The design
wastewater oxygen transfer efficiency of the equipment shall
be included in the specifications.

D) The specified capacity of blowers or air compressors,
particularly centrifugal blowers, should take into account
that the air intake temperature may reach 115° F or higher
and the pressure may be less than normal. The specified
capacity of the motor drive should also take into account
that the intake air may be 70° F or less and the required
cooling of the motor may be less than normal. The required
air delivery to prevent overheating or damage to the motor.

E) The blowers shall be provided in multiple units, so
arranged and in such capacities as to meet the maximum total
air demand with the single largest unit out of service. The
design shall also provide for varying the volume of air
delivered in proportion to the load demand of the plant.

F) The air diffusion piping and diffuser system shall be
capable of delivering 200 percent of the design normal air
requirements. Air blower systems should be designed such
that the friction head loss from the blower outlet (or
silencer outlet where used) to the diffuser inlet does not
exceed 0.5 psi at 100 percent of design air requirements at
average operating conditions for temperature and pressure.

G) The spacing of diffusers should be determined by the
oxygen transfer requirements through the liquid of the channel
or tank, and should be designed to facilitate adjustments of
their spacing without major revision to air header piping.
Diffusers in any single assembly shall have substantially
uniform pressure loss.

H) Individual assembly units of diffusers shall be equipped
with control valves, preferably with indicator markings for
throttling and for complete shut off. The arrangement of
diffusers shall also permit their removal for inspection,
maintenance and replacement without dewatering the tank and
without shutting off the air supply in the tank, unless the
dewatered aeration basins are no more than 25% less than the
of the total aeration basin capacity. Total aeration basin
capacity shall include the basins in both stages of a
two-stage activated sludge process.

I) Air diffusers shall protect all times, arrangement,
spacing and capacity to furnish air supply
sufficiently free from dust to prevent clogging of the
diffuser system used.

J) Mechanical Aeration Systems
A) Oxygen requirements shall be determined in accordance with
subsections (f)(2)(B) and (f)(2)(C) above.

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B)†† Oxygen--Transfer--Performance The mechanism and drive unit shall be designed for the expected conditions in the aeration tank in terms of the power performance. Certified testing shall verify mechanical aerator performance. The design field oxygen transfer efficiency of the equipment shall be included in the specifications, and the detailed design computations shall be contained in the basis of design.

C)†† The mechanical aerators shall be provided in multiple units, so arranged and in such capacities as to maintain all biological solids in suspension, meet maximum oxygen demand and maintain process performance with the largest unit out of service. Design Requirements--The design requirements of a mechanical--aeration--system shall--accomplish--the following--maintain--a--minimum--of--2.0--mg/l--of--dissolved oxygen--in--the--mixed--liquor--at--all--times--throughout--the--tank or--basin--maintain--all--biological--solids--in--suspension--meet maximum--oxygen--demand--and--maintain--process--performance--with the--largest--unit--out--of--service--and--provide--Provision--shall be made for varying the amount of oxygen transferred in proportion to the load demand on the plant.

D)†† Winter--Protection Due to high test costs, the mechanism shall be winterized. Subsequent treatment units shall be protected from freezing.

E) Motors, gear housings, bearings and grease fittings shall be easily accessible and protected from foundation and stray air necessary for proper functioning of the unit.

g)†† Return Sludge Equipment

1) Return Sludge Rate
The rate of sludge return, expressed as a percentage of design average design flow of sewage, shall be variable between limits of 15 and 100 percent.

2) Return Sludge Pumps

A) If motor driven return sludge pumps are used, the maximum return sludge capacity shall be obtained with the largest pump at such service. The rate of sludge return shall be varied by such means as float control, variable speed motor, or multiple constant speed pumps, or telescopic valves. A positive head should be provided on pump suction. Pumps shall be capable of passing spheres of at least 3 inches in diameter. Pump suction and discharge openings shall be at least 4 inches in diameter.

B) If air lift pumps are used for returning sludge from each settling tank, no standby unit shall be required provided that the design of the air lifts is such as to facilitate their rapid and easy cleaning. Air lifts should be at least 3 inches in diameter and provided with adjustable air valving to permit flow control in accordance with subsection

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[All above (f)†††.

3) Return Sludge Piping
Suction and discharge piping should be at least 4 inches in diameter and should be designed to maintain a velocity of not less than 2 feet per second when return sludge factors are operating at normal return rates. Sludge lines should be provided with air valves, and a sludge line should be provided with a controlling return activated sludge flow from each settling tank shall be provided.

4) Waste Sludge Control
Waste sludge control facilities should have a maximum capacity of not less than 25 percent of the average rate of sewage flow and function satisfactorily at rates of 0.5 percent of average sewage flow. Means for observing, measuring, sampling and controlling waste activated sludge flow shall be provided. Waste sludge may be discharged to the primary settling tank, concentrator or thickening tank, sludge digestion tank, vacuum filters, or any practical combination of these units. Refer to Sections 370.820 and 370.710(b)(1)(A).

(Source: Amended at 21 Ill. Reg. 12.1.1, effective 1/1/77.)

Section 370.930 Waste Stabilization Ponds and Aerated Lagoons

a) Supplement To Engineer's Report

1) The engineer's report shall contain pertinent information on location, geology, soil conditions, area for expansion, and any other factors that will affect the feasibility and acceptability of the proposed treatment.

2) Supplementary Field Survey Data

The following information must be submitted in addition to that required in Section 370.111:

- The location and direction of all residences, commercial development, and water supplies within 1/2 mile of the proposed pond.
- To determine surface and subsurface soil characteristics of the immediate area and their effect on the construction and operation of a pond located on the site.
- Data demonstrating anticipated percolation rates at the elevation of the proposed pond bottom.
- A description, including maps showing elevations and contours of the site and adjacent area suitable for expansion.
- Sulfate content of the water supply.
- Identification of the location, depth and discharge point of any field tile in the immediate area of the proposed site.

b) Location

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- 1) Distance From Habitation
A pond site should be as far as practicable from habitation or any area which may be built up within a reasonable future period.
 - 2) Prevailing Winds
If practicable, ponds should be located so that local prevailing winds will be in the direction of uninhabited areas. Preference should be given sites which will permit an unobstructed wind sweep across the ponds, especially in the direction of the local prevailing winds.
 - 3) Surface Runoff
Adequate provisions shall be made to divert storm water around the ponds and otherwise protect pond embankments.
 - 4) Ground Water Contamination
The Illinois Groundwater Protection Act (415 ILCS 551) shall be taken into account in the siting of ponds. Ponds should not be located proximate to water supplies and other facilities subject to contamination or located in areas of porous soils and fissured rock formations, if conditions dictate using such a site, then the potential for and the means necessary to combat groundwater contamination shall be critically evaluated in the engineer's report. In such locations, the Agency will require groundwater monitoring wells.
 - 5) Geology
Ponds shall not be located in areas subject to sink holes and mine subsidence. Soil borings and tests to determine the characteristics of surface soil and subsoil shall be made a part of preliminary pond site selection surveys. Gravel and limestone areas should be avoided wherever, where conditions dictate, it is possible to select a site with adequate gravel. The relation between the pond bottom and gravel of limestone will be less than 10 feet, the Agency shall be contacted about the necessary precautions.
- c) Basis Of Design
- 1) Organic Loading
 - A) Waste Stabilization Ponds
The organic loading on each cell shall not exceed the loadings listed below. If more accurate design information by the engineer, type waste is not submitted and supported for the engineer, subsequent cells shall be sized for an organic loading of 2% of each preceding cell.
 - i) North of Illinois Highway 116 (Pontiac) 22 lbs. BOD per acre per day.
 - ii) Between Illinois Highway 116 and U.S. Highway 50, 26 lbs. BOD per acre per day.
 - iii) South of U.S. Highway 50 (Salem-Carlyle) 30 lbs. BOD per acre per day.
 - B) Aerated Lagoons
The organic loading for aerated lagoons shall not exceed 0.5

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- lb. BOD[5] day per 1,000 cu. ft. first cell nor 0.3 lb. BOD[5] day per 1,000 cu. ft. on any subsequent cells. If more accurate design information for the particular type waste is not submitted and supported by the engineer, the second and third cells shall be sized for an organic loading of 2% of each preceding cell.
- 2) Depth
 - A) Waste Stabilization Ponds
The minimum operating liquid depth for waste stabilization ponds shall be 4 feet. The minimum operating liquid depth shall be based on design storage requirements and shall not be less than 5 feet.
 - B) Aerated Lagoons
The design water depth for aerated lagoons should be 10 to 15 feet. This depth limitation may be altered depending on the aeration equipment, waste strength, climatic and geological conditions.
- 3) Aeration Requirements For Aerated Lagoons
 - A) Aeration systems shall be designed to provide, with the largest unit out of service, a minimum of 1,500 cu. ft. of air/lb. of BOD[5] in the raw waste (1.5 lbs. of oxygen/lb. of BOD[5]) plus oxygen required to oxidize the ammonia present in the raw waste). The aeration equipment shall be located to ensure proper mixing and distribution of air in the waste. Aeration equipment shall be installed in all type reactors with motors above the water surface may not be used. The aeration capability must be distributed throughout the cells in proportion to the calculated BOD loading on each cell. Additional aeration shall be provided as required to insure proper mixing. Floating-type aerators will not be permitted.
 - B) Where hose type diffusers are used, the holes shall be of sufficient size to prevent plugging by dissolved solids incrustation.
- 4) Multiple Cells
A minimum of two cells to be operated in series or parallel should be provided for all waste stabilization ponds when they are utilized as a part of the primary and secondary treatment process. The number of cells required for aerated lagoons are dependent upon the degree of treatment required. Refer to pond shape (C)(i).
- 5) Pond Shape
The shape of all primary cells should be such that there are no narrow or elongated portions. Round, square, or rectangular ponds with a length not exceeding 3 times the width are considered most desirable. No islands, peninsulas, or coves should be permitted. Dikes should be rounded at corners to minimize accumulations of floating materials.

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- 6) Solids Removal
All lagoon systems shall include effective solids removal facilities. Design criteria for acceptable solids removal facilities are contained in Subpart K. Other solids removal facilities may be approved in accordance with Section 370.520(b).
- d) Construction Details

1) Embankments and Dikes

- A) Material
Embankments and dikes shall be constructed of relatively impervious materials and compacted to at least 90% Standard Proctor density relative to a well-sorted, stable structure. Vegetation and the unsuitable soil shall be removed from the area upon which the embankment is to be placed.

- B) Top Width
The minimum embankment top width should be 8 feet to permit access of maintenance vehicles. Lesser top widths will be considered for very small installations.

C) Maximum Embankment Slopes

- i) Inner Slopes:
3 horizontal to 1 vertical.
- ii) Outer Slopes:
3 horizontal to 1 vertical.

D) Minimum Embankment Slopes

- i) Inner Slopes:
Horizontal to 1 vertical. Flatter slopes are sometimes justified for large installations because of wave action but have the disadvantage of added shallow areas conducive to emergent vegetation.

- ii) Outer Slopes:
Outer slopes shall be sufficient to prevent surface runoff from entering the ponds.

E) Freeboard

- Minimum freeboard shall be 3 feet except for very small installations 2 feet may be acceptable.

F) Erosion Control Requirements

- For effective erosion control on the lagoon embankments, both seeding and riprap (or acceptable alternate) are required.

1) Seeding Requirements

- Embankments shall be seeded from the outside toe to 1 foot inside the high water mark. Seeding shall be done on the slope. Perennial types, low growing, spreading grasses that withstand erosion and can be kept mowed are most satisfactory for seeding of embankments. In general, alfalfa and other long rooted crops should not be used in seeding, since the roots of this type plant are apt to impair the water holding efficiency of the dikes. The County Agricultural Extension Agent can

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usually advise as to hardy, locally suited permanent grasses which would be satisfactory for embankment seeding.

ii) Riprap Requirements

Riprap (or acceptable alternate) shall be placed on the inner slope of the embankments from 1 foot above the high water mark to 1 foot below the low water level. Riprap shall be comprised of a two-layer system consisting of a minimum 4-inch layer of coarse aggregate that meets the Illinois Department of Transportation (IDOT) Standard Specification for Road and Bridge Construction adopted January 1, 1997 for the minimum 12-inch layer of coarse aggregate (No. 10) and a minimum 17-inch layer of coarse aggregate (No. 20). The riprap shall consist of evenly graded material with a maximum weight of 150 pounds per piece and shall meet the IDOT gradations for rock of either Grade No. 3 or 4.

2) Pond Bottom

- A) Uniformity
Finished elevations shall not be more than 3 inches from the average elevation of the bottom. Shallow or feathering fringe areas usually result in locally unsatisfactory conditions.

B) Vegetation

The bottom shall be cleared of vegetation and debris. Organic material thus removed shall not be used in the dike construction. However, suitable topsoil relatively free of debris may be used as cover material on the outer slopes of the embankment.

C) Soil Formation

Soil used in constructing the pond bottom (not including the seal) shall be relatively incompressible and tight. Porous topsoil shall be removed. Porous areas, such as gravel or sandy pockets, shall be removed and replaced with well compacted clay. The entire bottom shall be compacted at or up to 4% above the optimum water content to at least 90% Standard Proctor density. The soil formation or structure of the bottom should be relatively tight to avoid excessive liquids to determine the characteristics of surface soil and seal. Soil shall be made a part of preliminary surveys to select proper materials. Sealer or bituminous areas must be avoided. Refer to subsection (b)(5).

D) Seal Percolation

The pond bottom and embankments shall be sealed such that seepage loss through the seal is as low as possible. Seals consisting of soils, bentonite or synthetic liners may be used. Provided that the permeability, durability and

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integrity of the proposed material is demonstrated for anticipated conditions. The results of a testing program that substantiates the adequacy of the proposed seal shall be incorporated into or accompany the engineering report. Standard ASTM procedures or similar accepted testing methods shall be used for all tests. The design shall provide for maintenance of a satisfactory water level in the ponds--the restoring shall be provided as necessary--to insure an adequate water level.

- i) A seal consisting of soil materials shall have a thickness of at least 24 inches and a permeability of less than 1×10^{-7} cm per second. Provision shall be made in the specifications for demonstrating the permeability of the seal after completion of construction and prior to filling the pond. Removal of porous topsoil and proper compaction of the subsoil--to improve the waterholding characteristics of the bottom--is required for a seal that consists of a synthetic liner. Seepage loss through the liner shall not exceed a quantity equivalent to seepage loss through a soil seal as described above. Removal of porous areas--as gravel--or sandy pockets--and replacement with well-compacted clay are required.
- ii) Specifications for sealing of the wetted areas with a clay blanket bottom or other sealing material as required to obtain a good seal.
- iii) Specifications for mandatory field supervision of the construction of the pond seal.

- e) Prefilling the pond after completion of testing is recommended in order to protect the seal from weed growth to prevent drying and cracking and to reduce odor during initial operation. The pond dikes must be completely prepared as described in subsection (d)(1)(f). Synthetic liners shall be protected from damage during installation and filling.

3) Inlet Lines

- A) Material. Any generally accepted material for underground sewer pipe or structure will be an adequate material for the inlet line to the pond. The material selected should be adapted to local conditions. Special consideration must be given to the character of the wastes, possibility of septicity, exceptionally heavy external loadings, abrasion, the necessity of reducing the number of joints, soft foundations, and similar problems.

B) Manholes

- A) A readily accessible manhole shall be installed at the

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terminus of the trunk sewer or the force main, unless the force main discharges directly to the lagoon as described in subsection (d)(3)(H). The manhole shall be located as close to the dike as topography permits and its invert should be at least 6 inches above the maximum operating level of the pond to provide sufficient hydraulic head without surcharging the manhole. Surcharging of the sewer stream from the inlet manhole is not permitted.

- C) Grade.
 - i) Influent line can be placed at zero grade and should be located along the bottom of the pond so that the top of the pipe is just below the average elevation of the pond bottom. The pipe shall have adequate seal below it.
 - ii) The laying of the influent pipe on the surface of the pond bottom is prohibited.
- D) Point of Discharge. Influent lines to the primary cell should terminate at approximately the third point farthest from the outlet structure. For interconnecting piping to secondary cells refer to subsection (d)(4)(g).
- E) Flow Distribution. Flow distribution structures shall be designed to effectively split hydraulic and organic loads proportionally equally to primary cells. Refer to Section 370.320(f).
- F) Submerged Inlets. Submerged inlet lines shall discharge horizontally into a shallow, saucer-shaped depression which should extend below the pond bottom not more than the diameter of the influent pipe plus 1 foot.
- G) Discharge Apron. The end of the discharge line should rest on a suitable concrete apron with a minimum size of 2 feet square.
- H) Force Mains. Force mains discharging directly to lagoons are permitted if the force main has a freefall discharge into the lagoon and is not turned upward at the point of discharge. The point of discharge should be approximately the third point farthest from the outlet structure and the pipe shall be sloped for drainage into the lagoon to avoid freezing.
- I) Anti-Seep Collars. Anti-seep collars shall be used on all piping passing through or under the lagoon embankments.
 - A) Outlet Structures and Interconnecting Piping.
 - i) Outlet Structure. Outlet structures shall be designed to allow the operating level of the pond to be adjusted to permit operation at depths of 2 feet to the maximum depth.

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multiple-valved--pond--drawoff--lines--or--box--equipped--with overflow device so that the liquid level of the pond can be regulated to prevent an overflow. The device shall also allow effluent to be drawn from various depths below all operating levels. All structures and devices such as weirs, gates and valves shall be watertight and adjustable--overflow--device shall be watertight and capable of being easily adjusted by the operator without the need of additional mechanical equipment. Wooden stop-planks are not acceptable for level control.

ii) Drawoff lines should not be located any lower than the lowest of the drawoff lines to such structure should be 12 inches off the bottom to control eroding velocities and avoid pickup of bottom deposits.

iii) A locking device should be provided to prevent unauthorized access to the level control facilities. iv) When possible, the outlet structure should be located on the windward side to prevent short circuiting. The outlet structure shall be properly baffled to prevent the discharge of floating material.

v) Consideration must be given in the design of all structures to protect against freezing or ice damage under winter conditions.

B) Interconnecting Piping and Unit Bypass

i) Interconnecting piping and overflows should be constructed of materials that will withstand damage during construction and operation, giving special consideration to damage that may occur during connection of embankments and damage to shallow lining. The piping shall be sized to handle the maximum flow rate without raising the lagoon water level by more than 6 inches in the upstream cell. In no case shall interconnecting pipe be less than 8 inches in diameter. Interconnecting piping between cells should be valved or provided with other arrangements to regulate flow between structures and permit flexible depth control.

ii) The interconnecting pipe to the secondary cell should discharge horizontally near the lagoon bottom to minimize need for erosion control measures and should be located as near the dividing dike as construction permits.

iii) Piping and valves shall be provided so that each cell can be operated independently of any other cell, and so

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that each cell Provision shall be made for independent collection and storing. Independently can be completely Anti-Sep Collars

C) Anti-Sep Collars shall be used on all interconnecting and outlet piping passing through or under the lagoon embankments.

5) Miscellaneous

A) Fencing The pond area shall be enclosed with a suitable fence to preclude livestock and discourage trespassing. A vehicle access gate of sufficient width to accommodate moving equipment shall be provided. All access gates shall be provided with locks.

B) Warning Signs Appropriate signs should be provided along the fence around the pond to designate the nature of the facility and advise all persons that the pond is a waste treatment facility.

C) Flow Measurement, Sampling and Level Gauge Provisions for flow measurement and sampling shall be provided on the inlet and outlet. Pond level gauges shall be provided. The NPDES permit monitoring requirements for the facility shall be taken into account. Elapsed time meters on pumps or calibrated weirs may be used as flow measurement devices for lagoons.

D) Sludge Removal When an existing lagoon is to be upgraded, the project design shall provide for removal of any sludge accumulation in the existing lagoon. The sludge removed shall be disposed of in accordance with IPCB regulations.

(Source: Amended at 21 Ill. Reg. 121.1, effective 12/1/81)

Section 370.940 Intermittent Sand Filtration for Secondary Treatment

a) Applicability Use of the intermittent sand filter for secondary treatment is generally limited to weak to normal strength wastewaters which are amenable to biological treatment. Cold weather operational problems may preclude the use of this process unless the influent temperature to the filter is adequate to allow efficient filter operation necessary to meet the applicable effluent standards.

b) Pretreatment Requirements Wastewaters applied to intermittent sand filters must be substantially free of grit, debris, oil and grease. Floating and suspended solids, which may clog the filter, must be removed. Excessive sand cause rapid clogging of the filter. Special consideration shall be given to

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the design of preceding treatment units, including dosing facilities, to limit heat loss during winter operation.

- c) Multiple Units
Intermittent sand filters shall be provided in multiple units, designed for independent operation and maintenance.

- d) Intermittent sand filters treating septic tank or primary effluent should be restricted to relatively isolated locations or otherwise modified in order to minimize odor nuisances.

- e) Recirculation
Recirculation of filter effluent may be practiced in order to attenuate and equalize organic and hydraulic loads to the filter, and improve unit process efficiency, control odors, and improve day-to-day reliability.

- 1) Rate
A recirculation rate of up to 300% of the settled sewage load to the filter may be provided.

- 2) Variability
The capability of varying the recirculation rate allows greater process control and optimization of process efficiency. This feature shall be included where recirculation is provided.

- f) Dosing

- 1) Dosing Volumes
The dosing facilities shall be designed for a capacity of 2,500 gallons per 1,000 sq. ft. of filter bed to be dosed at any given time.

- 2) Dosing Rates for Siphons or Pumps or Pump-Capacity
Siphons (at minimum head) or pumps shall have a discharge capacity at least 100% in excess of the maximum rate of inflow to the dosing tank, including recirculation, and at average head, at least 90 gallons per minute per 1,000 square feet.

- 3) Discharge Line Capacity
The discharge lines to the beds shall have sufficient capacity to permit the full rated discharge of the siphons or pumps.

- g) Construction Details

- 1) Sand Filter Base
The entire base of the filters shall be sloped to the underdrains.

- 2) Underdrains
The sand filter shall be provided with open-joint or perforated pipe underdrains. They should be sloped to the outlet and spaced not to exceed 10 foot centers. Vertical riser vents shall be provided at both ends of each underdrain pipe and shall be located as not to be overtopped at maximum dosing depth.

- 3) Media

- A) Gravel Base
Clean graded gravel, preferably placed in at least three layers, should be placed around the underdrains and to a depth of at least 6 inches over the top of the underdrains.

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Crushed stone may not be used in lieu of gravel. Suggested gradings for the three layers are:
1 1/2" to 3/4", 3/4" to 1/4", 1/4" to 1/8".

- B) Sand
Sand must be 24 inches of clean washed sand shall be provided. Sand shall be durable and relatively insoluble in sewage.

Clay content shall be less than 1% by weight. The effective size shall be 0.3 mm to 1.0 millimeter (mm). The uniformity coefficient shall not be greater than 3.5.

- 4) Splash Slabs
Splash slabs shall be provided at each point of discharge to the filter. A means of dissipating the energy of the discharge velocity shall be provided around the periphery of the splash slab.

- 5) Curbs
Provision shall be made to prevent soil and surface runoff from entering the filter area. Curbs should be high enough to hold the maximum dose and provide adequate freeboard.

- 6) Distribution System
A) Arrangement
Arrangement shall be made for even distribution of the flow on the filter surface. If troughs or piping are used, they shall be so located that the maximum lateral travel of the flow on the media surface is not more than 20 feet.

- B) Drains
Troughs, discharge piping or other distribution equipment shall be sloped to drain to prevent freezing.

- h) Loading Rates
The loading rates shall be based on the raw sewage flow and organic strength. The following loading rates shall not be exceeded:

Raw Waste Strength (800)(5) mg/l	Dose Rate (gals./ft. ²)(24/day)
100 to 200	3
200 to 300	2
above 300	1

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART J: DISINFECTION

Section 370.1000 General

Where needed to meet applicable standards, disinfection of the effluent shall be provided. The design shall provide for meeting both the bacterial standards

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and any disinfectant residual may be applicable to the effluent.

(Source: Amended at 21 Ill. Reg. 12568, effective 12/24/11)

Section 370.1010 Disinfection Process Selection Methods-for-Disinfection

- a) The disinfection process should be selected after due consideration of waste characteristics, type of treatment processes provided prior to disinfection, waste flow rates, waste pH, disinfectant demand rates, current technology application, cost of equipment, chemical availability, power costs and maintenance requirements. Arealine public safety shall be considered where large liquid chlorine or sulfur dioxide containers are to be handled. Flow-rates-current technology-application-and-demand-rates-pH-of-waste--cost--of equipment-and-the-chemical-availability--and-maintenance-problems-Where-large-containers-of-liquid-chlorine-would-be-required-area-wide public-safety-shall-be-considered
- b) Chlorine may be used in the form of liquid chlorine or calcium or sodium hypochlorite. White-disinfection-unity-is-accomplished-with liquid--chlorine--alternates--methods--using--calcium--or--sodium hypochlorite-or-chlorine-dioxide-should-be-considered. Dechlorination effluent limitations are necessary to meet applicable chlorine residual effluent limitations.
- c) An ultra-violet radiation system may be used as an alternative disinfection process.
- d) Other alternative means of disinfection will be evaluated according to the provisions of Section 370.520(b).

(Source: Amended at 21 Ill. Reg. 12568, effective 12/24/11)

Section 370.1020 Chlorine Disinfection Feed-Equipment

- a) Type of Feed Equipment
- The types of chlorine feed equipment include:
- 1) Direct gas feed;
 - 2) Direct gas feed;
 - 3) Hypochlorite solution positive displacement pump feed;
 - 4) Hypochlorite tablet feed.
- b) Selection of Feed Equipment
- The selection of the type of chlorine feed equipment shall take into account operator safety and overall public safety relative to the proximity of the sewage treatment plant to populated areas and to the security of the gas cylinder or container storage.
- c) Output Capacity of Gas Chlorine Cylinders

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Delivery Rates (lbs of chlorine/day)

Ambient Temp. °F	100 pound Cylinder Container	150 pound Cylinder Container	1 Ton Container
40	6	9	100
50	14	21	240
60	23.7	35.5	385
70	37	54.5	536
80	41.2	62	700

Some it-is-recognized-that--some types of vacuum chlorinators can deliver chlorine at rates greater than those listed above under the same conditions. When designs include rates in excess of those indicated above, manufacturer's specifications and test results shall be provided.

- d) Standby Equipment and Spare Parts
- Standby equipment of sufficient capacity should be available to replace the largest unit during shutdowns. Spare parts shall be available for all chlorinators to replace parts which are subject to wear and breakage.

e) Potable Water Supply Protection

A ample supply of water shall be available for operating the chlorinator. A correct procedure for obtaining duplicate equipment should be provided and when necessary, also standby equipment. Section 370.550(a)(4), which protection of a potable water supply shall conform to the requirements of Section 370.550(b)(3). In-line backflow preventers are not acceptable.

- f) Chlorine Gas Supply
- 1) Cylinders
- The use of 1-ton containers should be considered where the average daily chlorine gas consumption is over 150 pounds. All weight chlorine cylinders shall be strapped securely to prevent tipping.

- 2) Tank Cars
- A) At large installations the use of tank cars, generally accompanied by evaporators, may be considered. Arealine public safety shall be evaluated as a part of the chlorine feed system design. Tank cars shall be made for a chlorine supply during tank car switching.
- B) The tank car being used for the chlorine supply shall be located on a dead end, level track that is a dedicated siding. The tank car shall be protected from accidental bumping by other railway cars by a locked de-rail device, a closed lock switch, or both. The area shall be clearly posted "DANGER-CHLORINE." The tank car shall be secured by adequate fencing with locked gates for personnel and rail

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Access.

- C) The tank car site shall be provided with an operating platform at the unloading point that allows for easy access to the tanks and valves. The platform shall be provided with line connection and valve operation. Area lighting adequate for night time operation and maintenance shall be provided.

2) Scales

- A) Scales shall be provided for weighing cylinders and containers at all plants using chlorine gas.
- B) At large plants, indicating and recording scales are recommended. At a minimum, a platform scale shall be provided. Scales shall be made of corrosion-resistant material. Scales should be recessed unless hoisting equipment is provided or the scales are low enough to allow the cylinders to be rolled onto them.

4) Evaporators

- Where manifolding of several cylinders or containers will be required to evaporate sufficient chlorine, consideration should be given to the use of an evaporator.

5) Leak Detection and Controls and Installation of an Evaporator.

- A bottle of ammonium hydroxide solution should be available for detecting chlorine leaks. Consideration should also be given to the provision of caustic soda solution reaction tanks for absorbing the contents of leaking 1-ton containers where such containers are in use. Also, when cylinders, containers or tank cars are used, a leak repair kit approved by the Chlorine Institute shall be provided. At installations using over 150 pounds of chlorine gas per day, consideration should be given to the installation of automatic gas detection and related alarm equipment.

9) Piping and Connections

- 1) Piping systems should be as simple as possible, and shall be specially selected and manufactured to be suitable for chlorine service. All piping shall be made of materials which are well supported and protected against damage.
- 2) The chlorine system piping shall be color coded and labeled to distinguish it from sulfur dioxide and other plant piping. Where sulfur dioxide is used, the piping and fittings for chlorine and sulfur dioxide systems shall be designed so that interconnection between the two systems cannot occur.

b) Housing

1) Container and Equipment Location

- Containers and feed equipment should be located indoors, in a suitable fire-resistant building. Gas cylinders should be protected from direct sunlight if not located indoors.

A) Separation

- If gas chlorination equipment and chlorine cylinders or containers are to be housed in a building used for other

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- Purposes, the chlorine cylinders or containers and equipment shall be located in an isolated room. This room shall not contain any sulfonation equipment, floor drains, or other equipment which might cause a chlorine leak. Concrete walls or other areas of the building shall be watertight. Doors to this room shall open only to the outside of the building and shall be equipped with panic hardware. Rooms shall be at ground level and shall permit easy access to all equipment. Storage areas should be separated from the feed area.

B) Inspection Window

- A clear, airtight window shall be installed in the chlorinator room to permit the units to be viewed and gauges to be read without entering the room.

C) Heat

- Chlorinator housing facilities shall be provided with a means of heating so that a temperature of at least 60° F can be maintained. Where chlorine gas is to be withdrawn from cylinders or containers, the cylinders or containers shall be maintained at a temperature of at least 60° F. The room shall be protected from excessive heat. If liquid chlorine is to be withdrawn from the cylinders or containers to an evaporator unit, the feed cylinders or containers may be located in an unheated area.

3) Ventilation For Gas Chlorination Systems

- A) Forced mechanical ventilation shall be installed which will provide 1 complete air change per minute. The entrance to the air exhaust duct from the room shall be within 12 inches of the floor and the point of discharge shall be so located as not to contaminate the air in the immediate vicinity of the entrance door to the chlorinator room or ventilation inlet or window or entrance door to any buildings or inhabited areas. Where the public may be subjected to extensive exposure to chlorine in case of a chlorine leak, exhausts shall be removed from the building and discharged as to provide cross ventilation with air and at such temperature that will not adversely affect the chlorination equipment. The vent hose from the chlorinator shall discharge to the outside atmosphere above grade.

4) Electrical Controls

- The controls for the fans and lights shall be provided at those locations where it is necessary to enter the chlorination room and shall automatically operate when the door is opened and continue to operate when the operator enters the room and the door is closed. Provision shall be made for manual operation of controls from the outside of the room without opening the door.

5) Outdoor Cabinet Housing

- Outdoor shallow cabinet-type units, with wide opening doors, that

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are shallow enough not to need or require operator entry, may be used to house the containers and feed equipment. Use of such cabinets shall be limited to small plants that provide seasonal disinfection or use less than 10 pounds of chlorine per day. Only two chlorine gas cylinders of 150 pounds or less on line may be housed in the cabinets. The following items shall be provided for in the design:

- The cabinet structure shall be located on and securely anchored to a concrete slab sized to allow for safe removal of the cabinet. The cabinet shall be designed and the slab shall be capable of withstanding stacked wind loading on the cabinet. The design of the cabinet support slab shall take into account the effects of frost and settling due to soil stability. Flexible piping connections should be considered for lines connected to the cabinet.
- The cabinet shall be protected from direct sunlight to prevent overheating of the chlorine cylinders.
- The cabinet doors shall extend the full width of the long side of the cabinet structure so that the full interior of the cabinet is exposed with the door open. Provision shall be made to secure the open doors while the operator is changing cylinders and maintaining the feed equipment.
- The cabinet depth shall not exceed 24 inches. The feed equipment shall be conditioned to allow easy access for maintenance and to allow observation of the gauges and metering.
- Provision shall be made for chains, wall mounted fasteners, hooks or similar means for anchoring the chlorine cylinders to prevent tipping.
- The cabinet structure shall be corrosion resistant to chlorine gas.
- Where electrical power is available, the cabinet should be placed in a well-lit area.

1) Respiratory Protection Equipment

Respiratory protection equipment meeting the requirements of the National Institute for Occupational Safety and Health (NIOSH) shall be available at all installations where chlorine gas is handled and shall be stored in a convenient location outside of any room where chlorine is used. The equipment shall be stored in a well-ventilated area, compressed air source at least a 30-psi air cylinder, and connected with or exactly the same as NIOSH-approved units used by the local fire department. Instructions for using, testing, and replacing masks shall be posted. At large installations, consideration should be given to providing acid suits and fire suits.

1) Application of Chlorine

- Contact Period
After thorough mixing, a minimum contact period of 15 minutes at design peak hourly flow or maximum rate of discharge shall be

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Provided.

- Chlorinator Design Rate Capacity
Chlorinators shall be designed to have a capacity adequate to produce an effluent that will meet the applicable bacterial limits. Where necessary to meet the operating ranges, multiple units shall be provided for adequate peak capacity and for a sufficiently low feed rate on turn down to allow proper chlorine feeding. The chlorination system shall be designed on a seasonal basis. The design shall provide for the minimum sizing and number of units shall be submitted with the design. The range of flow rates, including the minimum turn down capacity, the type of control to be used. System design considerations shall include the controlling sewage flow meter (sensitivity and location), telemetering equipment and chlorinator controls. For treated normal domestic sewage the following design capacity based on design average flow, is suggested (see Section 370.520(C)(1)):

Type of Treatment	Dosage (mg/l)
Primary Settled Sewage	20
Secondary Effluent (unfiltered)	20
Secondary Effluent (filtered)	10
Wastewater Effluent (unfiltered)	10
Wastewater Effluent (filtered)	5
Activated Sludge Plant Effluent	5
Activated Sludge Plant with Chemical Addition	4
Filtered Effluent Following Mechanical Biological Treatment	4

k) Contact Tank

- Mechanical means of sludge removal is recommended and should be provided unless multiple chlorine tanks are provided. Portable deck-level vacuum cleaning equipment may be used for small treatment plants. Provisions for draining contact tanks not equipped with mechanical sludge removal equipment shall be provided to the drain flow returned to process for treatment.
- Provision to the contact tank following treatment shall be made if the contact tank follows treatment and if the main treatment works is a waste stabilization pond, with provisions for storing the waste flow for several days while the contact tank is being cleaned.
- Adequate mixing during the chlorination contact period shall be insured by the installation of adequate baffling, air or other mixing equipment. Facilities for the retention and removal of floating scum shall be provided.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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Section 370.1021 Dechlorination

- a) General
Dechlorination of sewage plant effluents may be required to reduce toxicity due to chlorine residuals.
- b) Feed Equipment
- 1) Type
The common types of dechlorination feed equipment using sulfur compounds include:
A) Vacuum solution feed of sulfur dioxide gas.
B) Positive displacement pump feed of aqueous solutions of sulfite or bisulfite products.
- 2) Selection of Feed Equipment
The selection of the type of feed equipment using sulfur compounds shall include consideration of operator safety and overall public safety relative to the proximity of the sewage treatment plant to populated areas and the security of the gas storage. The selection and design of sulfur dioxide feed equipment shall take into account the fact that the gas is relatively very easily ignited.
- c) Outlet Capacity of Sulfur Dioxide Cylinders
The number of feed cylinders or containers necessary to meet the design delivery rates shall be based on the physical, thermodynamic and chemical properties for sulfur dioxide. Refer to the Compressed Gas Association publication CGA G-3-1988 "Sulfur Dioxide" or other standard reference sources for information on sulfur dioxide properties.
- d) Standby Equipment and Spare Parts
Standby equipment should be available of sufficient capacity to replace the largest unit during shutdown. Spare parts to replace parts that are subject to wear and breakage shall be available for all sulfonators.
- e) Potable Water Supply
An ample supply of water shall be available for operating the sulfonator. Where a booster pump is required duplicate equipment should be provided and, when necessary, standby power. (Refer to Section 370.550(a)(4)). Protection of the potable water supply shall conform to the requirements of Section 370.550(b)(6). In-line back flow preventers may not be used.
- f) Sulfur Dioxide Gas Supply
- 1) Cylinders
The use of 1-ton containers should be considered where the average daily sulfur dioxide consumption is over 150 pounds. All upright sulfur dioxide cylinders shall be strapped securely to prevent tipping.
- 2) Tank Cars

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- B) The tank car being used for sulfur dioxide supply shall have a manual shut-off valve. Sulfur dioxide shall be maintained at a pressure of 100 psig.
 - C) The tank car shall be protected from accidental siding. The tank car shall be protected from accidental bumping by other railway cars by a locked derail device, a closed lock switch, or both. The area shall be clearly posted "DANGER-SULFUR DIOXIDE." The tank car shall be secured by adequate fencing with locked gates for personnel and rail access.
- C) The tank car site shall be provided with an operating platform at the unloading point that allows for easy access to the protective housing on the tank car for flexible feed line connection and valve operation. Area lighting adequate for night time operation and maintenance shall be provided.
- 3) Scales
 - A) Scales shall be provided for weighed cylinders or containers at all plants using sulfur dioxide gas.
 - B) At large plants indicating and recording scales are recommended. A platform scale should be provided where weighing is done in bulk. Scales shall be recessed unless existing material. Scales should be recessed unless existing equipment is provided or the scales are low enough to allow the cylinders to be rolled onto them. - 4) Evaporator

Where the manifolding of several cylinders or containers will be required to evaporate sufficient sulfur dioxide, consideration should be given to liquid drawoff and installation of an evaporator. A liquid nitrogen gas feeding system to enhance the liquid sulfur dioxide delivery rate should be considered.

 - 5) Leak Detection and Controls

Sulfur dioxide leak detection equipment shall be provided which has a sensitivity level equal to that of ambient air pollution monitoring equipment. Where cylinders, one-ton containers and tank cars are used, a leak repair kit that is compatible for use with sulfur dioxide gas shall be provided. Leak repair kits used for chlorine gas [Section 370.1020(f)(15)] equipped with gasket materials suitable for service with sulfur dioxide, compressed gases and vapors, and liquids may be used.

(See also Publication CG-3-1986 for a discussion of the available materials.) Refer to Section 370.560.

 - a) Piping and Connections
 - 1) Piping systems should be as simple as possible, with a minimum number of joints, and shall be suitable for sulfur dioxide service. Piping should be well supported and protected against

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based on the particular dechlorinating chemical used and the applicable residual chlorine limits. The following theoretical amounts of the commonly used dechlorinating chemicals may be used for initial approximations to size feed equipment.

Theoretical mg/l required to neutralize 1 mg/l Cl ₂	
0.90	Sulfur dioxide (gas)
1.34	Sodium metabisulfite (solution)
1.46	Sodium bisulfite (solution)

The design shall take into account the fact that under good mixing conditions approximately 10% more dechlorinating chemical than theoretical value is required for satisfactory results.

C) Liquid Solution Tanks

Mixing and dilution tanks for dechlorinating feed solutions shall be provided as necessary to mix dry compounds and to dilute liquid compounds to provide for proper dosing. Solution tanks should be covered to minimize evaporation. Mixing tanks should be designed to provide sufficient feed solution for several days of operation. The tanks shall be made of materials that will withstand the corrosive nature of the solutions. Refer to Section 370.560.

(Source: Added at 21 Ill. Reg. 1244, effective 12/4/77)

Section 370.1022 Ultraviolet Disinfection

Because operating data and experience with this process is not well established, expected performance of the ultraviolet disinfection units shall be based upon either experience at similar full scale installations or thorough documented prototype testing with the particular wastewater. Use of the process should be limited to high quality effluent having at least 5% ultraviolet transmittance greater than 30 cm. path length and 800 and 850 mμ transmittance greater than 30 cm. path length. The process shall be evaluated by the Agency on the basis of the factors set out in Section 370.530(b).

(Source: Added at 21 Ill. Reg. 1244, effective 12/4/77)

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Section 370.1030 Chlorine Gas Supply (Repealed)

a) Cylinders

The use of 1-ton containers should be considered where the average daily chlorine consumption is over 15 pounds. All upright chlorine cylinders shall be strapped securely to prevent tipping.

b) Tank Cars

At large installations the use of tank cars generally accompanied by evaporators may be considered. Provision of chlorine supply during winter switching shall be provided.

c) Scales

1) Scales shall be provided for weighing cylinders at all plants using chlorine gas.

2) At large plants scales of the indicating and recording type are recommended. At least a platform scale shall be provided. Scales shall be of corrosion resistant material. Scales should be recessed unless hoisting equipment is provided on the scales are low enough to allow the cylinders to be rolled on to the sealer.

d) Evaporators

Where manifolding of several cylinders will be required to evaporate sufficient chlorine, consideration should be given to liquid drawoff and installation of an evaporator.

e) Detection and Controls

A leaking chlorine tank or cylinder solution should be available for detecting chlorine leaks. Consideration should also be given to the provision of emulsic soda solution reaction tanks for absorbing the contents of leaking 1-ton cylinders where such cylinders are in use. Also, when cylinders are used, a leak repair kit approved by the Chlorine Institute shall be provided. At large installations consideration should be given to the installation of automatic gas detection and related alarm equipment.

(Source: Repealed at 21 Ill. Reg. 1244, effective 12/4/77)

Section 370.1040 Piping and Connections (Repealed)

Piping systems should be as simple as possible. Specially selected and manufactured materials for chlorine service with a minimum number of joints. Piping should be well supported and protected against temperature extremes.

(Source: Repealed at 21 Ill. Reg. 1244, effective 12/4/77)

Section 370.1050 Housing (Repealed)

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Shipping containers and equipment containing chlorine, preferably, should be located indoors, in a suitable fire-resistant building. Gas cylinders should be protected from direct sunlight if not located indoors.

a) Separation
if gas-chlorination equipment and chlorine cylinders are to be in a building used for other purposes, the chlorine containers and equipment shall be located in an isolated room. Common walls to other areas of the building shall also be gaseight. Doors to this room shall open only to the outside of the building and shall be equipped with panic hardware. Rooms shall be at ground level and shall permit easy access to all equipment. Storage areas should be separated from the feed area.

b) Inspection Window

A clear gas-tight window shall be installed in the chlorinator room to permit the units to be viewed and gauges to be read without entering the room.

c) Heat

Chlorinator housing facilities shall be provided with a means of heating so that a temperature of at least 60°F can be maintained. Also the room shall be protected from excessive heat. Cylinders shall be kept at essentially room temperature.

d) Ventilation

1) Forced mechanical ventilation shall be installed which will provide 1 complete air change per minute. The entrance to the fire exhaust duct for the room shall be within 12 inches of the floor and the point of exit shall be at least 10 feet above the roof.

2) The chlorinator room air filters shall be so located as to provide cross-ventilation with air and at such a temperature that will not adversely affect the chlorination equipment. The vent hose from the chlorinator shall discharge to the outside atmosphere above grade.

3) Remote chlorination facilities without electrical power available and utilizing direct chlorine gas feed shall be constructed so that the operation and chlorine tank change can be made without the operator entering an enclosure.

e) Electrical Controls

The controls for the fans and lights shall be provided at those locations where it is necessary to enter the chlorination room and so located that they automatically operate when the door is opened and shall be manually operated from the outside without opening the door.

(Source: Repealed at 21 Ill. Reg. 1, effective April 1)

Section 370.1060 Respiratory Protection Equipment (Repealed)

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Respiratory protection equipment meeting the requirements of the National Institute for Occupational Safety and Health (NIOSH) shall be available at all locations where chlorine gas is handled and shall be stored in a convenient location outside of any room where chlorine is used or stored. The units shall use compressed air or oxygen have at least a 30-minute capacity and be compatible with or exactly the same as NIOSH-approved units used by the local fire department. Instructions for using, testing, and replacing mask parts shall be posted. At large installations, consideration should be given to the provision of acid suits and fire suits.

(Source: Repealed at 21 Ill. Reg. 1, effective April 1)

Section 370.1070 Application of Chlorine (Repealed)

a) Contact Period

After thorough mixing a minimum contact period of 15 minutes at peak hourly flow or maximum rate of pumpage shall be provided.

b) Chlorinator Basing Rate Capacity

Chlorinators shall be designed to have a capacity adequate to produce an effluent that will meet the effluent limits specified by applicable IPDB Rules and Regulations. Where necessary to meet the operating ranges, multiple units shall be provided for adequate capacity and to prevent excessive chlorine residuals in the effluent for treated normal domestic sewage the following dosing capacity based on design normal flow is suggested (see Section 370.1045 (c)(1)).

TYPE OF TREATMENT

Primary Settled Sewage 20

Lagoon Effluent (unfiltered) 20

Wrecking Pitler Plant Effluent 10

Lagoon Effluent (filtered) 10

Activated Sludge Plant Effluent 6

Activated Sludge Plants with Chemical Addition 4

Pitler Effluent Following

Mechanical Biological Treatment 4

c) Contact Tank

1) Mechanical means of sludge removal is recommended and should be provided unless multiple chlorine tanks are provided. Portable deck-level vacuum cleaning equipment may be used for small treatment plants. Provisions for draining contact tanks not

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- equipped with mechanical sludge removal equipment shall be provided with the flow meter and the procedure for contact tanks may be excepted to the requirement of duplicate contact tanks may be granted if the contact tank follows a sand filter or if the main treatment works is a waste stabilization pond with provisions for storing the sewage flow for several days while the contact tank is being cleaned.
- 3) Adequate mixing during the chlorine contact period shall be insured by the installation of adequate baffling air or other mixing equipment. Facilities for the retention and removal of floating scum shall be provided.

(Source: Repealed at 21 Ill. Reg. , effective , Amended at 21 Ill. Reg. , effective)

Section 370.1080 Sampling and Testing

- a) Facilities shall be included for collecting securing samples, as monitoring requirements warrant, of the disinfected effluent after contact.
- b) Where chlorine disinfection is used, equipment shall be provided for measuring chlorine residual using accepted test procedures.
- c) Where required by the Agency, equipment shall also be provided for measuring fecal coliform using accepted test procedures.

(Source: Amended at 21 Ill. Reg. , effective , Amended at 21 Ill. Reg. , effective)

Section 370.1120 High Rate Filtration

- a) Design Considerations
- 1) Care should be given in the selection of pumping equipment ahead of filter units to minimize shearing of flow particles. Consideration should be given in the plant design to providing flow-equalization facilities to moderate filter influent quality and quantity.
- b) Pretreatment
- 1) A positive method shall be provided to control the suspended solids loading to the filters. Equipment for the feeding of chemical coagulant aids prior to secondary settling shall be provided unless other equally effective means of suspended solids control are used.
- c) Multiple Units
- 1) Multiple units shall be provided. At least three units should be provided. Units shall be capable of independent operation and maintenance.
- d) Filtration Rates
- 1) The peak hourly flow rate applied to the filter shall not exceed 5 gpm/sq. ft. of filter area, computed with one unit out of service.

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- 1) Rate Controls
- a) The rate of flow to each filter unit shall be provided which allow adjustment and control of the rate of flow to each filter unit.
- 2) Flow Measurement
- a) The flow to each filter shall be monitored by indicating equipment.
- e) Accessibility and Maintenance
- Each filter unit shall be designed and installed so that there is ready and convenient access to all components and the media surface for inspection and maintenance without taking other units out of service.
- f) Housing
- 1) Housing of filter units shall be provided. The housing shall be constructed of suitable corrosion-resistant materials. All controls shall be enclosed, and the structure housing the filter, controls and equipment shall be provided with heating and ventilation adequate to maintain the structure at least with excess humidity.
- g) Construction Details
- 1) Underdrains
- a) The underdrain system shall be designed for uniform distribution of flow of backwash water (and air, if provided) without danger of clogging from solids in the backwash water. A positive means of pressure relief shall be provided for the underdrain system to prevent structural damage by excessive backwash pressures. The selection of the underdrain system shall be based on demonstrated satisfactory field experience under similar conditions.
- 2) Media
- a) The selection of proper media sizes and types depends upon the filtration rate selected, the type of treatment provided the influent to the filter, filter configuration, and effluent quality objectives. Media shall be suitable for the intended use and type selection must consider to meet specific conditions. Media shall be selected and provided to meet specific conditions and treatment requirements relative to the project under consideration. The selection and sizing of the media shall be based on demonstrated satisfactory field experience under similar conditions. All media shall have a uniformity coefficient of 1.7 or less. The uniformity coefficient, effective size, depth and type of media shall be set forth in the specification. The following tables--minimum--maximum--depths--and--media--sizes normally used:

SINCE MEDIA FILTER

MEDIA MATERIALS EFFECTIVE SIZE--mm--DEPTH--ft--

Sand

1.0--4.0/40

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normal concentrations of greases or similar materials should be of the gravity type. Facilities should be considered for the periodic addition of chemicals to remove greases in such cases.

- 3) Proprietary Equipment
- Proprietary equipment not conforming to the requirements of this section will be evaluated on a case-by-case basis in accordance with Section 370.520(b).

(Source: Amended at 21 Ill. Reg. 12586, effective _____)

Section 370.1130 Low Rate Intermittent or Periodically Dosed Sand Filters

a) Applicability

- 1) Intermittent sand filters may be used to polish secondary effluents. The process removes residual suspended solids and soluble biochemical oxygen demand and converts ammonia to nitrate. (See Section 370.1210(b).)
- 2) Cold weather operational problems may preclude the use of this process unless the influent temperature to the filter is adequate to allow efficient filter operation necessary to meet the applicable effluent standards.
- 3) Because of manual labor necessary to clean, maintain and replace sand on the filters, the application is usually limited to small waste treatment plants.

- b) Design Criteria
- Design Criteria of Section 370.940(b), (c), and (f)(3), are generally applicable to intermittent sand filters used as tertiary filtration units.

- 1) Dosing Volumes
- The dosing facilities shall be sized to provide for a 12-hour dosing cycle for each bed.
- 2) Siphon or Pump Capacity
- Siphons (at minimum head) or pumps shall have a discharge capacity at least 100 percent in excess of the maximum rate of inflow to the dosing tank, including recirculation, and at average head, at least 90 gallons per minute per 1,000 square feet being dosed.

- 3) Recirculation
- Provision for recirculation of filter effluent may be included to improve process flexibility.

- A) Rate
- The recirculation rate of up to 100% of design average flow to the filter may be provided.
- B) Variability
- Variability for varying the recirculation rate shall be provided.
- 4) Loading Rates

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The hydraulic load of secondary wastewater applied to supplemental intermittent sand filters shall not exceed 15 gallons per day (gpd)/sq. ft. More conservative application rates should be provided for low quality filter influents. Refer to subsection (d)(3) below.

c) Construction Details

The criteria of Section 370.940(g) are generally applicable to tertiary intermittent sand filters. Also, refer to subsection (d).

d) Special Design Considerations in Lagoon Systems

- 1) General
- Low rate sand filter systems that are intermittently or periodically dosed may be used to reduce suspended solids from secondary effluents and provide additional treatment to effluents. Design standards for these systems are as follows:
- The design is very limited.
 - The Agency expects to review the design considerations when additional experience and data are available from operating facilities in Illinois and elsewhere.
 - Existing operating facilities should be studied and the Agency should be contacted early in the design considerations of selecting this process to learn of any recent experience and data that may be of benefit to the design engineer.

2) Cold Weather Design

Lagoons which have sand filters shall be designed to provide storage of flows received during cold weather when the filter is expected to be inoperable.

- 3) Hydraulic Loading
- A) Following filter area design considerations must include the following:

- 1) The total annual flow volume to be treated (Section 370.520(c)(1)) including wet weather flows if the lagoons are to be used for wet weather storage.

- 2) The effective net days annually for filter operation excluding cold weather shut-down and filter maintenance time.

- 3) Lagoon effluent quality.

- 4) Extent and reliability of flow data from the sewer system.

- B) Where sewer system conditions are not favorable or industrial waste loadings are expected to increase algae blooms, the loading rate should be limited to 10 gal./ft.²/day.

4) Dosing Considerations

- A) The design should include allowance for periodic dosing of varied volumes onto the filter while the filter discharge is shut off, then to be followed by a filtration period to completely empty the filter at a controlled rate.

- B) Depth

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The filter shall be designed for flexibility of dosing depth from 6 inches to 2 feet.

- C) Valving, Piping, Flow Measurement
- 1) The filter shall be provided with valving to allow shutting off and controlling rate of flow both onto and from the filter. A flow measurement weir or flume shall be provided both on the inlet and outlet of the filter for operator control of the dosing and filter flow rates under the existing head conditions.
 - 2) The outlet valve piping and filter underdrains shall be designed to allow complete drainage of the filter underdrains at the end of the filter cycle to insure aerobic conditions in the filter during the rest period.

- D) Dosing Inlet Structures
- The dosing inlet structures shall be designed to dissipate inlet velocity and prevent sand scouring during the dosing period at the high dose rates. The inlet structures should be arranged to not interfere with maintenance of the sand surface.

- 5) Filter Containment Structure
- The filter containment may be of vertical concrete walls on three sides (refer to subsection (d)(6) below) or sloped earthen berms with a top width of 12 feet. The filter shall be designed to insure that runoff or siltage onto the sand surface and freestanding surface of 1 foot above the maximum design dosing depth should be provided.

- 6) Access Ramps
- The filter should be designed with a ramp on one end sloped and surfaced for access to the edge of the bed by wheeled vehicle to facilitate removing and replacement of sand. For larger filters, concrete tracks at the level of the sand surface may be desirable to reduce distance sand must be handled.

(Source: Amended at 21 Ill. Reg. 7.220.010, effective 4/1/82)

SUBPART 1: NUTRIENT REMOVAL

Section 370.1210 Ammonia Control

a) General

Ammonia control can be accomplished by physical, chemical, biological and ion-exchange techniques. These criteria contain design standards for a limited number of biological types and configurations of ammonia control systems. Other types and configuration of systems will be evaluated in accordance with Section 370.520(b).

- 1) General Considerations for Process Selection

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- A) Biological systems, normally used to accomplish secondary levels of treatment, may be have been adapted to function as nitrification systems. In most applications of the fixed growth processes staged biological treatment is normally provided. The single stage activated sludge process has been found to be reliable for nitrification and is more commonly used than the two-stage activated sludge process.
- B) Because design-standard operating data and experience for the fixed growth processes for nitrification most of these processes are not well established--therefore, expected performance in all cases shall be based upon experience at pilot and full scale installations or thoroughly documented prototype testing with the particular wastewater. The design shall provide the necessary flexibility to perform satisfactorily within the range of expected waste characteristics and temperatures.

- 2) Alkalinity and pH Control
- Biological utilization of ammonia to produce nitrates is consumptive of available alkalinity in the ratio of 7.14 pounds alkalinity (as CaCO₃) per pound of ammonia nitrogen (as N) oxidized. The determination of the need for added alkalinity must be calculated and included in the basis of design to be submitted with the plan documents for Agency approval. The following factors shall be taken into account in determining the amount of alkalinity to be added: based on the water supply test results--average concentrations of pH and--alkalinity--and--pH design--the calculations must be included in the basis of design.

- A) The available alkalinity in the raw wastewater and any sidestreams;
- B) The total ammonia load (including sidestreams such as flows from digesters and sludge handling facilities) imposed on the process;

- C) The alkalinity needed to maintain pH levels in the range of 7.2 to 8.4.

- 3) Load Equalization
- Load equalization shall be considered to limit peak loadings of ammonia from plant sidestreams or sludge sources on the sewer system. For the fixed growth biological nitrification processes, the ammonia loading peaks shall be limited to 150% of the design sidestream ammonia loading value.

- b) Intermittent Sand Filters, used in conjunction with various primary and secondary treatment systems may be considered for use as a biological process to convert ammonia to nitrate.
- 1) Construction Details

The construction details are generally as described in Section 370.940(g).

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2) Loading Criteria

A) Following Primary Treatment
The design loading criteria following primary treatment is based on Section 370.1130(b)(1) and (h) except that reduced organic loadings should be considered to insure meeting effluent ammonia limitations.

B) Following Secondary Treatment

The design loading criteria following secondary treatment is described in Section 370.1130(b)(4) and (d)(3).

c) Suspended Growth Systems

1) General

A) For nitrification--the oxygen requirement--for oxidizing ammonia--must be added to the oxygen requirement--for carbonaceous BOD removal--the nitrogen-oxygen demand--(NOD)--shall be taken as 4.6 times--the peak hourly--NHN--content--of--the influent--in--addition--the oxygen demands--due to--recycle flows--(digestion--and--sludge--handling--facilities--etc)--must be considered--due to the high--concentrations--of--BOD--and--NHN--in--effluent--sludge--flows--to--be--given--to--maximize--oxygen--utilization--per--unit--power--input--unless--flow--recirculation--is--provided--the--aeration--system--should--be--designed--to--match--the--peak--hourly--load--variation--while--economizing--on--power--input.

1) Applicability

Suspended growth nitrifying systems may be designed as a single stage process with combined carbonaceous BOD removal and nitrogenous oxygen demand reductions or as the second stage of a two-stage process following a first stage activated sludge process or other types of biological treatment such as trickling filters or rotating biological contactors used for carbonaceous BOD removal.

2) Design Requirements

A) Aeration and Mixing
Provision for mixing the oxygen requirement for oxidizing ammonia must be added to the requirements for carbonaceous BOD removal. The nitrogen oxygen demand shall be taken as 4.6 times the peak hourly ammonia (as N) content of the influent. In addition, the oxygen demands due to sidestream flows (digestion and sludge handling facilities and the like) must be considered due to the high concentrations of BOD and ammonia associated with such flows. Sufficient aeration and mixing capability shall be provided to maintain a sludge age of up to 20 days and a dissolved oxygen concentration in the aeration tank of at least 2 mg/l.

B) Power

Careful consideration should be given to maximizing oxygen utilization per unit of power input. Unless flow

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Equalization is provided, the aeration system should be designed to match the peak hourly load variation while economizing on power input.

C)

Careful consideration shall be given in the design and selection of aeration and mixing equipment to minimize heat losses and to maintain sewage temperatures of at least 50° F in cold weather.

D)

Where the ratio of ammonia to available alkalinity in the wastewater requires its use, chemical feed equipment shall be provided to maintain adequate alkalinity and a pH level between 7.2 and 8.4.

3) General Design Requirements

The following requirements shall be included in all designs:
A) Sufficient aeration and mixing capability to maintain a sludge age of up to 10 days and a dissolved oxygen in the aeration tank of at least 2 mg/l.
B) Temperature control and mixing equipment to maintain sewage temperatures of at least 50° F in cold weather.
C) Chemical feed equipment to maintain adequate alkalinity concentrations and a pH level between 7.2 and 8.4.
D) Primary settling or flow equalization shall be provided where necessary to limit BOD and NHN peaks resulting from sewer system flush-out or industrial wastes.
E) Single Stage Activated Sludge

In addition to the requirements of Section 370.920, the following criteria shall govern the design:
A) Organic Loading Organic loading shall not exceed 15 lbs/day of BOD₅ per 1,000 cu.ft. of available tank volume.

B)

Detention time
The hydraulic detention time shall be a minimum of 8 hours based on the plant design average flow as determined by Section 370.920(c).

4)

Activated Sludge
The following subsections set out paragraphs establishing criteria in addition to the requirements of Section 370.920 for the activated sludge nitrifying stage following a first stage activated sludge or fixed growth process trickling filter or rotating biological contactor processes used for carbonaceous BOD removal.

A) Organic Loading

BOD₅ concentration shall be limited to 20-50 mg/l.

B)

Detention Time
The hydraulic detention time shall be a minimum of 6 hours based on the plant design average flow as determined by Section 370.920(c).

C)

Special Design Requirement

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The following requirements in addition to subsection (c)(3) above, shall be provided: first stage process to allow

- 1) discharge of raw or primary settled sewage to the second stage aeration tank as needed as a carbon source for process control of the nitrification process.

- 1) Careful consideration shall be given in the design and selection of covers and ventilation or aeration and mixing equipment to minimize heat losses in the first stage process and maintain sewage temperatures of at least 50° F in cold weather. A first-stage process design that will minimize heat losses to maintain sewage temperatures of at least 50° F in cold weather.

d) Fixed Growth Systems

1) General

- A) The trickling filter and rotating biological contactor processes may be used to accomplish nitrogenous oxygen demand reduction. The design shall be based on the experience for these nitrifying systems, operating data and performance criteria. The design shall be based upon experience at similar full-scale installations or thoroughly documented prototype pilot testing with the particular wastewater.

- B) In addition to the requirements of Sections 370.900 and 370.910, the design of fixed growth systems shall take into account the peak hourly pH content of the influent.

1)2) Applicability

Nitrifying fixed growth systems may be used following activated sludge and fixed growth systems used for carbonaceous BOD removal.

2)3) General Design Requirements

A) Peak Load

In addition to the requirements of Section 370.900, the design of fixed growth systems shall take into account the peak hourly ammonia content of the influent. The design shall provide for ammonia load equalization in accordance with subsection (a)(3) above.

B)4) Temperature

Adequate cover or housing of the nitrification units shall be provided and preceding systems shall be designed or upgraded to minimize heat losses to maintain sewage temperatures of at least 50° F in cold weather.

C)5) Ventilation for Process Air Requirements

Adequate ventilation shall be provided to satisfy the oxygen demand of the process. Refer to Section Sections 370.900 370.910(e)(5) and 370.910(f)(7).

D)6) Chemical Feed

Chemical feed equipment shall be provided to maintain

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adequate alkalinity concentrations and a pH level between 7.2 and 8.4 where the ratio of ammonia to available alkalinity in the wastewater requires its use.

- E)3) The following requirements shall be provided:
 - 1) Settling tanks following nitrifying fixed growth systems shall be designed in accordance with Section 370.910(b) and shall be designed in accordance with Subpart G. A single unit will be allowed if the applicable BOD suspended solids effluent limitations can be met and other operational problems will not occur when the clarifier is temporarily out of service.

(Source: Amended at 21 Ill. Reg. 12593, effective

_____ AUG 2 2000 _____)

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Section 370. APPENDIX B Table No. 2 - Commonly Used Quantities of Sewage Flows From Miscellaneous Type Facilities

Type of Establishment	Gallons Per Person Per Day (Unless otherwise noted)
Airports (per passenger)	5
Bathhouses and swimming pools	10
Camps:	
Ground with central comfort stations	35
With flush toilets, no showers	25
Construction camps (semi-permanent)	50
Day camps (no meals served)	15
Resort camps (night and day) with restrooms, plumbing	50
Luxury and small dwellings with seasonal occupancy	100
Country clubs (per resident member)	75
Country clubs (per non-resident member present)	100
Dwellings:	25
Boarding houses	50
(Additional for non-resident boarders)	10
Rooming houses	40
Factories (gallons per person, per shift, exclusive of industrial wastes)	35
Hospitals (per bed space)	250
Hotels with private baths (2 persons per room) per room	1506#
Hotels-without-private-baths	56
Institutions other than hospitals including	
Nursing Homes (per bed space)	125
Laundries-self service (gallons per wash)	30
Motels (per bed space) with laundry	504#
Picnic parks (toilet wastes only per park user)	5
Picnic parks with bathhouses, showers and flush toilets (per park user)	10
Restaurants (toilet and kitchen wastes per patron)	10
Restaurants (kitchen wastes per meal served)	3
Restaurants (additional for bars and cocktail lounges)	2
Schools:	
Boarding	100

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Day, without gyms, cafeterias or showers	15
Day, with gyms, cafeterias and showers	25
Day, with cafeterias, but without gyms or showers	20
Service stations (per vehicle served)	5
Swimming pools and bathhouses	10
Theaters:	
Movie (per auditorium seat)	5
Drive-in (per car space)	10
Travel trailer parks without individual water and sewer hook-ups (per space)	50
Travel trailer parks with individual water and sewer hook-ups (per space)	100
Workers:	
Offices, schools and business establishments (per shift)	15

(Source: Appendix at 21 Ill. Reg.

effective

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Section 370 APPENDIX C Table No. 3 - Air Test Table for Sanitary Sewer Leakage Testing/ Agromic-Fertilization-and-Nitrogen-Uptake-Rates-for-Various-Illinois Crops

SPECIFICATION TIME (MIN) REQUIRED FOR PRESSURE DROP FROM 3 1/2 TO 2 1/2 PSIG WHEN TESTING ONE PIPE DIAMETER ONLY

Length of Sewer Pipe in Feet	PIPE DIAMETER, INCHES				
	4	6	8	10	12
25	0:04	0:10	0:28	0:40	1:02
50	0:09	0:20	0:35	0:55	1:19
75	0:13	0:30	0:53	1:23	1:59
100	0:18	0:40	1:10	1:50	2:38
125	0:22	0:50	1:28	2:18	3:08
150	0:26	0:59	1:46	2:45	3:58
175	0:31	1:09	2:03	3:13	4:37
200	0:35	1:19	2:21	3:40	5:17
225	0:40	1:29	2:38	4:08	5:40
250	0:44	1:39	2:56	4:35	
275	0:48	1:49	3:14	4:43	
300	0:53	1:58	3:31		
325	1:02	2:08	3:47		
350	1:10	2:18			
400	1:16	2:30			
450	1:28				
500	1:28				

*From Standard Specifications for Water and Sewer Main Construction in Illinois, Fourth Edition, May, 1986. (Copies may be obtained from Illinois Society of Professional Engineers, Springfield, Illinois 62704.)

POUNDS-OF-NUTRIENT

CROP	NITROGEN-UP TAKE lbs/acre/year	Avail- able-N	Rt+9	Rt+9
Corn-for-grain		1-3/4	55/Bar	8-20/Bar
Corn-silage		3-1/2	3-1/2	9-4/2
Wheat	50-76	2-3/4	0-60/Bar	3-1/2
Barley		3-1/4	0-60/Bar	3-1/2
Rye		3-1/4	0-60/Bar	3-1/2
Grain-sorghum		2-3/4	0-60/Bar	3-1/2
--for-grain		2-3/4	0-60/Bar	3-1/2
--for-silage		3-1/2	0-60/Bar	3-1/2
Wheat-escapes		3-1/2	0-60/Bar	3-1/2
Bromegrass		3-1/2	0-60/Bar	3-1/2

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Sorghum-Sudan	49/2	15/2	59/2
Orchard-Grass	30/2	13/2	63/2
Timothy	30/2	13/2	63/2
Reed-Canary-Grass	226-359	55/2	59/2
Alfalfa	155-280	13/2	59/2
Clovers	-77-150	13/2	69/2
Soybeans	-94-113	13/2	2-4/Bar

1- if straw-is-removed-
2- if straw-is-not-removed-

Regimes--can-obtain-most-of-their-N-from-the-air-and-are-normally
not-fertilized-with-N--However-if-included-in-a-crop-rotation
with-nitrogen-using-crops-they-will-use-the-available-N-in-the
soil-and-not-fix-N-from-the-air--Therefore-it-can-be-assumed
that-they-will-remove-as-much-N-as-corn-for-grain-would-in-the
same-rotation-is-general-in-nature--and-may-not-reflect-an
accurate-recommendation-for-all-types-of-soil-types-of-the-State
Any-recognized-fertility-recommendation-for-illinois-crops
climate-and-soils-is-acceptable-in-lieu-of-these-general-signar
In-order-to-obtain-more-accurate-recommendations-for-phosphorus
and-potassium-soil-testing-should-be-done

(Source: Amended at 21 Ill. Reg. 16.3.3, effective
1/1/86)

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Section 370 APPENDIX H Old Section Numbers Referenced (Repealed)

the following table is provided to aid in referencing old Agency section numbers to new section numbers pursuant to codification:

35-1111-Adm.-Code-370

Introduction	Section 370-100
Section 1	Section 370-101
Section 2	Section 370-102
Section 3	Section 370-103
Section 4	Section 370-104
Section 5	Section 370-105
Section 6	Section 370-106
Section 7	Section 370-107
Section 8	Section 370-108
Section 9	Section 370-109
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Section 59	Section 370-159
Section 60	Section 370-160
Section 61	Section 370-161
Section 62	Section 370-162
Section 63	Section 370-163

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Section 64	Protection-----and-----Service Facilities	Section 370-164
Section 65	Inhoff-Pank	Section 370-165
Section 66	Septic-Tank	Section 370-166
Section 67	General	Section 370-167
Section 68	Process-Selection	Section 370-168
Section 69	Sludge-Thickening	Section 370-169
Section 70	Anaerobic Sludge-Digestion	Section 370-170
Section 71	Aerobic Sludge-Digestion	Section 370-171
Section 72	Sludge-Pumps-and-Piping	Section 370-172
Section 73	Sludge-Dewatering	Section 370-173
Section 74	Sludge-Disposal	Section 370-174
Section 75	Wastewater Treatment	Section 370-175
Section 76	Rotating Biological Contactors	Section 370-176
Section 77	Active Sludge	Section 370-177
Section 78	Wastewater Treatment Ponds-and Wetlands	Section 370-178
Section 79	Aerated Lagoons	Section 370-179
Section 80	Intermittent-Sand-Filtration for-Secondary-Treatment	Section 370-180
Section 81	General	Section 370-181
Section 82	Methods-for-Disinfection	Section 370-182
Section 83	Feed-Equipment	Section 370-183
Section 84	Chlorine-Gas-Supply	Section 370-184
Section 85	Piping-and-Connections	Section 370-185
Section 86	Housing	Section 370-186
Section 87	Respiratory-----Protection Equipment	Section 370-187
Section 88	Application-of-Chlorine Sampling-and-Testing	Section 370-188
Section 89	Applicability	Section 370-189
Section 90	High-Rate-Filtration	Section 370-190
Section 91	Intermittent-Sand-Filters	Section 370-191
Section 92	Phosphorus-Removal-by-Chemical Treatment	Section 370-192
Section 93	Ammonia-Control	Section 370-193

(Source: Repealed at 21 Ill. Reg. 12.12, effective

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Pharmacy Practice Act of 1987

2) Code Citation: 68 Ill. Adm. Code 1330

3) Section Numbers: Adopted Action:

1330.05 Renumbered, Amendment

1330.65 New

1330.70 Renumbered

4) Statutory Authority: Pharmacy Practice Act of 1987 (225 ILCS 65)

5) Effective Date of Amendments: August 29, 1997

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: August 29, 1997

9) Date Notice of Proposal Published in Illinois Register: September 27, 1996, at 20 Ill. Reg. 12692.

10) Has JCAR issued a Statement of Objections to these amendments? No

11) Differences between original and final version: When the Board of Pharmacy first adopted the rules to be placed under the Department's jurisdiction, it was concerned about the possible burden being placed on pharmacists, especially on implementing the offer to counsel. Public comments indicated, however, that there was strong support within the profession, especially from small and independent pharmacists, for the more stringent requirement that the offer to counsel be made for all prescriptions, including refills, in order to provide the greatest possible protection to the public. Accordingly, the Board responded to this support and recommended, and the Department concurred, that the offer to counsel would include refills.

A need for clarification concerning pharmacists in hospitals and nursing homes resulted in the deletion of Section 1330.65 (e), replacing it with the pharmacist in a health care facility licensed under the Hospital Licensing Act. The new Section 1330.65 (e) shall comply with the requirements of this section when medications are provided by the pharmacy upon the patient's discharge from the hospital or facility.

Nonsubstantive changes also were made to conform to style and improve clarity.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the aforesaid letter issued by JCAR? Yes

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13) Will these Amendments replace an Emergency Amendment currently in effect? No

14) Are there any Amendments pending on this Part? No

15) Summary and Purpose of Amendments: This rulemaking implements Section 3 of the Pharmacy Practice Act of 1987, as amended by P.A. 89-140, effective January 1, 1996, which provided for patient counseling by pharmacists or their designees. Illinois law was amended to conform with the Omnibus Budget Reconciliation Act of 1990 (OBRA 90), which originally mandated the requirement for patient counseling (Federal Regulation 42 CFR Ch. IV, Section 436.705).

16) Information and questions regarding this amended part shall be directed to:

Department of Professional Regulation
Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, Illinois 62786
217/795-0813 Fax: 217/792-7645

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1330

PHARMACY PRACTICE ACT OF 1987

Section 1330.05	Definitions
1330.10	Application for Certificate of Registration as a Pharmacy Technician
1330.20	Approval of Pharmacy Programs
1330.30	Graduates of Programs Not Approved Pursuant to the Provisions of Section 1330.20
1330.40	Application for Examination
1330.50	Examination for Licensure
1330.55	Application for Licensure on the Basis of Examination
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1330.75	Security Requirements
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1330.91	Division I Pharmacies
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1330.98	Application for Pharmacy License
1330.100	Granting Variances
1330.110	Renewals
1330.120	Restoration
1330.130	Continuing Education
1330.140	

AUTHORITY: Implementing the Pharmacy Practice Act of 1987 (225 ILCS 85) and authorized by Section 60(7) of the Civil Administrative Code of Illinois (20 ILCS 2105/60(7)).

SOURCE: Rules and Regulations promulgated for the Administration of the Illinois Pharmacy Practice Act, effective August 20, 1975; amended March 8, 1977; amended at 4 Ill. Reg. 1234, effective July 11, 1980; amended at 5 Ill. Reg. 2397, effective March 11, 1981; codified at 5 Ill. Reg. 11049; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; 6 Ill. Reg. 10986, effective June 15, 1982; amended at 7 Ill. Reg. 6486, effective 30, 1982; amended at 8 Ill. Reg. 16918, effective October 21, 1985; amended at 10 Ill. Reg. 21913, effective December 17, 1986; transferred from Chapter I, 68 Ill. Adm. Code 330 (Department of Registration

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and Education) to Chapter VII, 68 Ill. Adm. Code 1330 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2957; amended at 12 Ill. Reg. 17394, effective October 14, 1988; amended at 16 Ill. Reg. 19811, effective December 7, 1992; amended at 20 Ill. Reg. 12660, effective AUG 2 1991.

Section 1330.05 #330-70 Definitions

"Act" means the Pharmacy Practice Act of 1987 [225 ILCS 85].

"Authentication of Product History" means, but is not limited to, identifying the purchasing source, the ultimate disposition and any intermediate handling of any component of a radiopharmaceutical, diagnostic agent or device.

"Deliver" means the actual, constructive or attempted transfer of possession of a prescription medication.

"Dispense" means to interpret, select the prescribed product, prepare and/or deliver a prescription medication to an ultimate consumer or to a person authorized to receive the prescription medication by or pursuant to the lawful order of a practitioner, including the compounding, packaging, computer entry and/or labeling necessary for delivery and any recommending, advising and counseling concerning the contents, therapeutic values, uses and any precautions, warnings and/or advice concerning consumption.

"Distribute" means to deliver, other than by dispensing, a prescription medication.

"Division I pharmacy" is any pharmacy that which engages in general community pharmacy practice and that which is open to, or offers pharmacy service to, the general public.

"Division II pharmacy" is any pharmacy whose primary pharmacy service is provided to patients or residents of facilities licensed under the Nursing Home Care Reform Act of 1979 [210 ILCS 45] (444-Rev-Stat-1997-chr-111-1/2-par-4131-4539-et-seq) or the Hospital Licensing Act [210 ILCS 85] (444-Rev-Stat-1997-chr-111-1/2-par-142-et-seq), or the University of Illinois Hospital Act [110 ILCS 330] (444-Rev-Stat-1997-chr-139-par-1391-et-seq) and that which is not located in the facility it serves.

"Division III pharmacy" is any pharmacy that which is located in a facility licensed under the Nursing Home Care Reform Act of 1979 or the Hospital Licensing Act, or the University of Illinois Hospital Act or a facility that which is operated by the Department of Mental Health and Developmental Disabilities or the Department of

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Corrections, and that which provides pharmacy services to residents or patients of the facility, as well as employees, prescribers and students of the facility.

"Division IV pharmacy" is any pharmacy that which provides and/or offers for sale radiopharmaceuticals.

"Division V pharmacy" is any pharmacy that which holds a license in Division II or Division III that which also provides pharmacy services to the general public, or is any pharmacy that which is located in or whose primary pharmacy service is to ambulatory care facilities or schools of veterinary medicine or other such institution or facility (e.g., a university infirmary).

"Medication Order" means an order that which is issued by a physician for a resident or patient of a facility licensed under the Nursing Home Care Reform Act of 1979 or the hospital licensing Act.

"Nonresident Pharmacy" means a pharmacy that is located outside this State that which ships, delivers, dispenses or distributes into Illinois by any means any drugs, medicines, pharmaceutical services or devices requiring a prescription.

"Nuclear Pharmacist" means a pharmacist who provides radiopharmaceutical services and has satisfied the requirements of Section 1330.94(i).

"Patient counseling" means an offer to counsel shall be made by the pharmacist or the pharmacist's designee in a face-to-face communication with the patient, unless, in the professional judgment of the pharmacist it is deemed inappropriate or unnecessary. In such case, the pharmacist is directed to make the offer to counsel the patient in a written communication by telephone or in a manner determined by the pharmacist to be appropriate.

"Patient Profiles" or "patient drug therapy record" means the obtaining, recording and maintenance of patient information.

"Pharmacist" means a registered pharmacist or registered assistant pharmacist.

"Proactive drug review" or "drug utilization evaluation" means a review of the screening for potential drug therapy problems due to therapeutic duplication, drug-disease contraindications, drug-drug interactions including serious interactions with nonprescription or over-the-counter drugs, incorrect drug dosage or duration of drug treatment, drug-alcohol interactions and clinical abuse or misuse.

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"Radiopharmaceutical" means any substance defined as a drug in Section 3(b) of the Pharmacy Practice Act that which exhibits properties of disintegration of unstable nuclei with the emission of nuclear particles or photons and includes any nonradioactive reagent kit or nuclide generator that which is intended to be used in the preparation of any such substance but does not include drugs such as carbon-containing compounds of potassium-containing salts that which contain trace quantities of naturally occurring radionuclides. Radio-pharmaceuticals include radioactive biological products as defined in the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 et seq. (1988)) and regulations promulgated thereunder.

"Radiopharmaceutical Quality Assurance" means, but is not limited to, the performance of appropriate chemical, biological, and physical tests on potential radiopharmaceuticals, and the interpretation of the results to determine their suitability for use in humans and animals, including inter alia, the identification, identification of product history and the keeping of proper records in these regards.

"Radiopharmaceutical Service" means the compounding, dispensing, labeling and delivery of radiopharmaceuticals; the participation in radiopharmaceutical selection and radiopharmaceutical utilization reviews; the proper and safe storage and distribution of radiopharmaceuticals as determined by the Illinois Department of Nuclear Safety; the maintenance of radiopharmaceutical quality assurance; the responsibility for advising, where necessary or required, of diagnostic and therapeutic values, hazards and use of radioactive pharmaceuticals; and the offering or performance of those acts, services, operations or transactions necessary in the conduct, operation, management and control of a Division IV Pharmacy.

"Registrant" means a registered pharmacist, registered assistant pharmacist, or a registered pharmacy technician.

"Student Pharmacist" is a person registered as a pharmacy technician who is enrolled in a pharmacy program and is designated a "student pharmacist" pursuant to Section 9 of the Act.

"Ultimate consumer" means the person for whom a drug is intended.

"Unprofessional conduct" under Section 30 of the Act shall include, but not be limited to, any act or of practice related to the practice of pharmacy that which is willful, wanton, repeated, or flagrant and likely to result in harm to an individual. In determining what constitutes unprofessional conduct, the Board shall consider, but shall not be limited to, the following standards as they relate to the person who is the subject of the proposed disciplinary action:

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Violations set forth in Section 30(a) paragraph 41594(e) of the Act;

Repeated commission of an act or acts that are of a flagrant and obvious nature so as to constitute conduct of such a distasteful nature that accepted codes of behavior or codes of ethics are breached;

Repeated commission of an act or acts in a relationship with a patient so as to violate common standards of decency or propriety;

Willful violation or knowing assistance in the violation of any law relating to the use of habit-forming drugs;

Willful preparation or signing false statements in order to induce payment for pharmacy services by the Department of Public Aid or any other local, state or federal department, agency or governmental body, or any private insurance program; and

Violating practice standards of the American Pharmaceutical Association/American Association of Colleges of Pharmacy Standards of Practice for the Profession of Pharmacy, published March 1979, which include no later editions or amendments, and which are herein incorporated by reference, in determining what is unprofessional conduct; however, non-compliance with these professional standards shall not alone be considered an act of unprofessional conduct unless these acts are of a flagrant, glaring nature constituting a substantial departure from these professional standards.

(Source: Section 1330.05 renumbered from Section 1330.70 and amended at 20 Ill. Reg. 12606, effective _____.)

Section 1330.65 Patient Counseling

a) Upon receipt of a new or refill prescription, a prescriptive drug review or drug utilization evaluation shall be performed. An offer to counsel shall be made on all prescriptions. If the offer to counsel is accepted, the pharmacist or the student pharmacist, as directed and supervised by the pharmacist, shall counsel the patient or patient's caregiver, with such counseling to include those matters listed in subsections (a)(1) through (a)(10) of this Section that, in the exercise of his or her professional judgment, the pharmacist considers significant, as well as other matters the pharmacist considers significant.

- 1) Name and description of medication;
- 2) Dosage form and dosage;

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3) Route of administration;

4) Location of therapy;

5) Techniques for self-monitoring;

6) Proper storage;

7) Refill information;

8) Actions to be taken in cases of missed doses;

9) Special directions and precautions for pretreatment, administration and use;

10) Common severe side effects, or adverse effects, or interactions and therapeutic contraindications that may be encountered including their avoidance, and the action required if they occur.

b) If in the pharmacist's professional judgment oral counseling is not practicable for the patient or patient's caregiver, the pharmacist shall use alternative forms of patient information. When used in place of oral counseling, alternative forms of patient information shall advise the patient or caregiver that the pharmacist may be contacted for consultation in person at the pharmacy by toll-free telephone or by mail, or by telephone service.

c) The pharmacist is responsible for obtaining patient profiles as defined in Section 318 of the Act. A reasonable effort shall be made to obtain information to include, but not limited to, the following:

- 1) Name, date of birth (age), gender, address and telephone number;
- 2) Individual history, where significant, including disease state(s), known allergies, drug interactions, a comprehensive list of medications and relevant devices; and

d) Patient identifiable information obtained by the pharmacist or the pharmacist's designee for the purpose of patient record maintenance, prescriptive drug review, drug utilization review and patient counseling shall be considered confidential information as defined in Section 318 of the Act. A reasonable effort should be made to protect confidential information and to ensure that confidential information is a discreet, conservative, informative and accurate summary.

e) A pharmacist in a health care facility licensed under the Hospital Licensing Act or the Nursing Home Care Act shall comply with the requirements of this Section when medications are provided by the pharmacy upon the patient's discharge from the hospital or facility.

f) The pharmacist shall not be required to counsel a patient or patient's caregiver when the patient or patient's caregiver refuses to accept the offer to counsel. A patient's or patient's caregiver's refusal to accept counseling shall be documented. The absence of any record of a refusal to accept the offer to counsel shall be presumed to signify that the offer was accepted and that counseling was provided.

(Source: Added at 20 Ill. Reg. 12606, effective _____.)

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Section 1330.70 Definitions (renumbered)

(Source: Section 1330.70 renumbered to Section 1330.05 at 20 Ill. Reg.

1040.20, effective AUG 25, 1997)

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- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1040
- 3) Section Numbers: Adopted Action:
1040.20 Amendment
- 4) Statutory Authority: Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ICS 5/Ch. 6, Art. 1] and authorized by Section 2-104(a) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ICS 5/2-104(b)].
- 5) Effective Date of Rulemaking: August 29, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: August 29, 1997
- 9) Notice of Proposal Published in Illinois Register: 21 Ill. Reg. 5091 (April 25, 1997)
- 10) Has JCRR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: All changes suggested by the Joint Committee on Administrative Rules were incorporated.
- 12) Have all the changes agreed upon by the agency and JCRR been made as indicated in the agreement letter issued by JCRR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

Section Number	Adopted Action	Illinois Register Citation
1040.50	Amendment	21 Ill. Reg. 5457 (April 25, 1997)
- 15) Summary and Purpose of Rulemaking: This proposed rulemaking includes language amendments due to the passage of recent legislation.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Mark A. Novak
Assistant Counsel to the Secretary

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2701 S. Dirksen Parkway
Springfield, IL 62723
217/782-5356

The full text of the Adopted Amendment begins on the next page:

ILLINOIS REGISTER

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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1040

CANCELLATION, REVOCATION OR SUSPENSION OF LICENSES OR PERMITS

Section	
1040.10	Court to Forward Licenses and Reports of Convictions
1040.20	Illinois Offense Table
1040.25	Suspension or Revocation for Driving Without a Valid Driver's License
1040.30	3 Or More Traffic Offenses Committed Within 12 Months
1040.31	Operating A Motor Vehicle During A Period of Suspension or Revocation
1040.32	Identification Cards Issued Fraudulently
1040.35	Commission of an Offense Requiring Mandatory Revocation or Discretionary Suspension or Revocation Upon Conviction
1040.38	Commission of a Traffic Offense in Another State
1040.40	Repeated Convictions or Collisions
1040.41	Suspension of Licenses for Curfew Violations
1040.42	Fleeing and Eluding
1040.43	Illegal Transportation
1040.46	Fatal Accident and Personal Injury Suspensions or Revocations
1040.48	Vehicle Emission Suspensions
1040.50	Suspension or Revocation of a License of Commercial Vehicle Driver
1040.55	Suspension or Revocation for Driver's License Classification Violations
1040.60	Release of Information Regarding a Disposition of Court Supervision
1040.65	Offense Committed While on Court Supervision
1040.66	Invalidation of a Restricted Driving Permit
1040.70	National Driver Register
1040.80	Cancellation of Driver's License Upon Issuance of a Handicapped Identification Card
1040.100	Rescissions
1040.101	Reinstatement Fees
1040.102	Bankruptcy for Suspensions, Cancellations, Failure to Pay and Returned Checks Actions

AUTHORITY: Implementing Articles II and VII of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Arts. II and VIII] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed September 22, 1979; amended at 3 Ill. Reg. 26, P. 282, effective June 30, 1979; amended at 5 Ill. Reg. 953, effective April 1, 1981; amended at 6 Ill. Reg. 429, effective April 2, 1982; codified at 6 Ill. Reg. 12674, amended at 8 Ill. Reg. 2200, effective February 1, 1984; amended at 8 Ill. Reg. 3783, effective March 13, 1984; amended at 8 Ill. Reg. 18925, effective September 25, 1984; amended at 8 Ill. Reg. 23385, effective November 21, 1984;

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- A) A thorough review of literature relating to the general concept of point systems utilized by other states.
 B) A specific review of point systems and ranges of point assignments utilized by other states.
 C) An exhaustive and detailed review of the current Illinois point system.

D) Based on the above, the relative criticality of the violations was determined and the specific number of points to be assigned to each was proposed, discussed and agreed upon by the consensus of the group.

- b) Illinois Vehicle Code, Criminal Code, the Liquor Control Act of 1934, the Cannabis Control Act and the Illinois Controlled Substances Act. The following violations of the Illinois Vehicle Code, Criminal Code, the Liquor Control Act of 1934, the Cannabis Control Act and the Illinois Controlled Substances Act will not be assigned points but will be entered on the record as type action -93- Bond forfeiture immediate action; or type action -94- conviction immediate action.

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
4-102	102000	4 102 00	Motor Vehicle Anti-Theft Law, misdemeanor (Chapter 4 of the Illinois Vehicle Code and Registration Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 4])
4-103	103000	4 103 00	Motor Vehicle Anti-Theft Law, felony (Chapter 4 of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 4])
4-103.1	103100	4 103 01	Motor Vehicle Anti-Theft Law, conspiracy (Chapter 4 of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 4])
6-101	101000	# 101 00	Operating a motor vehicle without a valid driver's permit (a serious traffic violation if committed in a commercial motor vehicle)
6-104(a)	104001	# 104 01	Violation of license classification for first and second division vehicles (a serious traffic violation if committed in a commercial motor vehicle)
6-104(b)	104002	# 104 02	Violation of classification for transporting persons for hire (a

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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-104(c)	104003	# 104 03	Violation of classification for transporting property for hire (a serious traffic violation if committed in a commercial motor vehicle)
6-104(d)	104004	# 104 04	Violation of school bus driver permits (a serious traffic violation if committed in a commercial motor vehicle)
6-104(e)	104005	# 104 05	Violation of religious bus driver restriction (a serious traffic violation if committed in a commercial motor vehicle)
6-104(f)	104006	# 104 06	Violation of classification for transportation of the elderly (a serious traffic violation if committed in a commercial motor vehicle)
6-105	105000	6 105 00	Violation of instruction permit (a serious traffic violation if committed in a commercial motor vehicle)
6-110(a)	110000	6 110 00	Violation of curfew law - under age of 17 (Child Curfew Act [720 ILCS 555])
6-113(e)	113501	# 113 E1	Violation of driver's license restriction (a serious traffic violation if committed in a commercial motor vehicle)
6-113(e)	113502	# 113 E2	Violation of restriction on special restricted license or permit (a serious traffic violation if committed in a commercial motor vehicle)
6-205(a)3	205103	# 205 A3	Any felony under the laws of any state or federal government in the commission of which a vehicle was used
6-205(a)5	205105	6 205 A5	Conviction of perjury or making of false affidavit or statement under oath to the Secretary of State under

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IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
6-205(b)1	20501	6 205 B1	the Driver License Act, or any other law relating to such vehicle, or the notice provided for in Section 1-8 of the Juvenile Court Act [705 ILCS 405/1-8] minor has been adjudicated under that Act as having committed an offense relating to motor vehicles described in Section 4-103 of the Illinois Driver Licensing Law of the Illinois Vehicle Code
6-205(b)2	20502	6 205 B2	When any other law of this State requires either the revocation or suspension of such license or permit during the period of
6-210(1)	210001	# 210 01	suspension/revocation.
6-210(2)	210002	# 210 02	Driving during the period of
6-301(1)	301001	# 301 01	revoked, or suspended, or have in his possession any cancelled, revoked, or suspended license or permit
6-301(2)	301002	# 301 02	To lend his license or permit to any other person or knowingly allow the use thereof by another
6-301(3)	301003	# 301 03	To display or represent as his own any license or permit issued to another
6-301(4)	301004	# 301 04	To fail or refuse to surrender to the Secretary of State or his agent on demand, any license or permit which has been suspended, revoked or cancelled
6-301(5)	301005	# 301 05	To allow any unlawful use of a license or permit issued to him
6-301(6)	301006	# 301 06	To submit to an examination or to obtain the services of another person to submit to an examination for the purpose of obtaining a driver's license or permit for some other person
6-301.1(b)1	30121	# 30121	Possess fictitious altered driver's license or permit

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IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
6-301.1(b)2	301122	# 301122	Possess/display altered fictitious driver's license or permit
6-301.1(b)3	301123	# 301123	Possess fictitious altered driver's license or permit
6-301.1(b)4	301124	# 301124	Possess fictitious altered driver's license or permit
6-301.1(b)5	301125	# 301125	Possess fictitious altered driver's license or permit
6-301.1(b)6	301126	# 301126	Possess fictitious altered driver's license or permit
6-301.1(b)7	301127	# 301127	Issue fictitious driver's license or permit
6-301.1(b)8	301128	# 301128	Alter/attempt to alter driver's license or permit
6-301.1(b)9	301129	# 301129	Provide ID for obtaining fictitious driver's license or permit
6-301.2(b)1	301221	# 301221	Possess fraudulent driver's license or permit
6-301.2(b)2	301222	# 301222	Possess/display fraudulent driver's license or permit
6-301.2(b)3	301223	# 301223	Possess fraudulent driver's license or permit
6-301.2(b)4	301224	# 301224	Possess fraudulent driver's license or permit
6-301.2(b)5	301225	# 301225	Possess fraudulent driver's license or permit
6-301.2(b)6	301226	# 301226	Possess fraudulent driver's license or permit
6-301.2(b)7	301227	# 301227	Possess driver's license making implement
6-301.2(b)8	301228	# 301228	Possess stolen driver's license making implement
6-301.2(b)9	301229	# 301229	Duplicate/sell fraudulent driver's license or permit
6-301.2(b)10	301230	# 301230	Advertise or distribute fraudulent driver's license or permit
6-302(a)1	302101	# 302101	Present false information in an application for driver's license/permit
6-302(a)2	302102	# 302102	Accept false information/ID in an application for driver's license/permit
6-302(a)3	302103	# 302103	Make false affidavit, swear or affirm falsely

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IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
6-303(a)1	303101	# 303 A1	Driving during a suspension or revocation
6-303(a)2	303102	# 303 A2	Driving during a revocation or suspension
6-303(d)	303400	# 303 D0	Second or subsequent conviction for driving during revocation for a violation of Sections 11-501 and the provisions of Sections 11-501 and the Road and Section 9-3 of the Criminal Code or similar provisions of a local ordinance
6-507(b)	507200	6 507 B0	No person may drive a commercial motor vehicle while driving privilege, license or permit is suspended, revoked, canceled, nor while subject to disqualification or while subject to or in violation of an "out-of-service" order
8-101	008000	8000	Failure to show proof of financial responsibility - persons who operate motor vehicles in transportation of passengers for hire
11-204	020400	# 0204 00	Police officer attempting to elude a police officer
11-204.1	020401	# 0204 01	Aggravated fleeing or eluding a police officer
11-401	040100	# 0401 00	Leaving scene or failure to report an accident involving death or personal injury
11-402(b)	040202	# 0402 02	Leaving the scene of an accident involving damage to a vehicle in excess of \$1000
11-406(a)	040610	# 0406 A0	Failure to make report of vehicle accident
11-406(b)	040620	# 0406 B0	Failure to make report of school bus accident
11-501(a)1	050111	# 0501 A1	Driving while alcohol concentration is .10 or more
11-501(a)2	050112	# 0501 A2	Driving while under the influence of alcohol
11-501(a)3	050113	# 0501 A3	Driving while under the influence of any other drug or combination of drugs
11-501(a)4	050114	# 0501 A4	Driving under the combined influence

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IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
11-501(a)5	050115	# 0501 A5	of alcohol and other drug or drugs Driving while there is any amount of a drug, substance or compound in such person's blood or urine resulting from the use of a controlled substance of cannabis listed in the Cannabis Control Act, or a controlled substance listed in the Illinois Controlled Substances Act
11-501(d)1	050141	# 0501 D1	Such person committed a violation of Section Par. 11-501(a) for the third or subsequent time
11-501(d)2	050142	# 0501 D2	Such person committed a violation of Section Par. 11-501(a) while driving a school bus with children on board
11-501(d)3	050143	# 0501 D3	Such person in committing a violation of Section 11-501(d) Paragraph (a) was involved in a motor vehicle accident which resulted in great bodily harm to himself or another person or great bodily harm to another person or great bodily harm to another when such violation was the proximate cause of such injuries
11-504	050400	# 0504 00	Drag racing
11-504	050400	# 0504 00	Drag racing
12-215(g)	221507	# 2215 01	Conviction of Section 12-215 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code [625 ILCS 5/12-215] without lawful authority to stop
11-15.1	011151	11 151	Reckless homicide resulting from operation of a motor vehicle
11-19.1	011191	11 191	Reckless homicide resulting from operation of a motor vehicle
12-5	012005	012 05	Conviction of juvenile pimping
12-13	012013	12 13	Conviction of reckless conduct
12-14	012014	12 14	Conviction of criminal sexual assault
12-15	012015	12 15	sexual assault
12-16	012016	12 16	Conviction of criminal sexual abuse
12-16	012016	12 16	Conviction of aggravated criminal sexual abuse

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18-3	0018003	18 3	Conviction of vehicular hijacking
18-4	0018004	18 4	Conviction of aggravated vehicular hijacking
21-2	021002	21 02	Criminal trespass to motor vehicles
22-51	022051	22 51	Violation of the Hypodermic Syringes and Needles Act [720 ILCS 635] concerning the sale of instruments used for illegal drug use or abuse
24-1(a)3	241103	241 A3	Conviction of unlawful use of weapons while using a motor vehicle
24-1(a)4	241104	241 A4	Conviction of unlawful use of weapons while using a motor vehicle
24-1(a)7	241107	241 A7	Conviction of unlawful use of weapons while using a motor vehicle
24-1(a)9	241109	241 A9	Conviction of unlawful use of weapons while using a motor vehicle
24-1.2	241200	241 200	Conviction of aggravated discharge of a firearm
24-1.5(b)	241520	24 15B	Conviction of reckless discharge of a firearm

THE LIQUOR CONTROL ACT OF 1934	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION
43-131(a)	431311	43 131A Minor presents false ID to buy alcoholic beverage - Liquor Control Act of 1934

CANNABIS CONTROL ACT	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION
704(a)	070401	704 01 Conviction for violation of Section 4(a) 704(a) of the Cannabis Control Act concerning the possession of not more than 2.5 grams of any substance containing cannabis
704(b)	070402	704 02 Conviction for violation of Section 4(b) 704(b) of the Cannabis Control Act concerning the possession of more than 2.5 grams but not more than 10 grams of any substance containing cannabis
704(c)	070403	704 03 Conviction for violation of Section 4(c) 704(c) of the Cannabis Control Act concerning the possession of more than 10 grams but not more than 30 grams of

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704(d)	070404	704 04	any substance containing cannabis Conviction for violation of Section 4(d) 704(d) of the Cannabis Control Act concerning the possession of more than 30 grams but not more than 500 grams of any substance containing cannabis
704(e)	070405	704 05	Conviction for violation of Section 4(e) 704(e) of the Cannabis Control Act concerning the possession of more than 500 grams of any substance containing cannabis
705	000705	705 00	Violation of the Cannabis Control Act concerning the unauthorized manufacture or delivery of cannabis
707	000707	707 00	Violation of the Cannabis Control Act concerning the unauthorized delivery of cannabis to a person under 18 by an adult

ILLINOIS CONTROLLED SUBSTANCES ACT	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION
1401(a)	140101	1401 01 Class 1 violation of the Illinois Controlled Substances Act concerning the authorized manufacture or delivery of a controlled substance
1401(b)	140102	1401 02 Class 2 violation of the Illinois Controlled Substances Act concerning the authorized manufacture or delivery of a controlled substance
1401(c)	140103	1401 03 Class 3 violation of the Illinois Controlled Substances Act concerning the authorized manufacture or delivery of a controlled substance
1401(d)	140104	1401 04 Class 4 violation of the Illinois Controlled Substances Act concerning the authorized manufacture or delivery of a controlled substance
1401(e)	140105	1401 05 Class 5 violation of the Illinois Controlled Substances Act concerning the authorized manufacture or delivery of a controlled substance
1401(f)	140106	1401 06 Class 6 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or

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ILLINOIS CONTROLLED SUBSTANCES ACT	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION	DESCRIPTION OF OFFENSE
1401(g)	140107		delivery of a controlled substance Class 3 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
1402(a)1	014201		Conviction for violation of Section 402(a) 1402(f) of the Controlled Substances Act concerning the possession of 15 grams or more of any substance containing heroin
1402(a)2	014202		Conviction for violation of Section 402(a) 1402(f) of the Controlled Substances Act concerning the possession of 15 grams or more of any substance containing cocaine
1402(a)3	014203		Conviction for violation of Section 402(a) 1402(f) of the Controlled Substances Act concerning the possession of 15 grams or more of any substance containing morphine
1402(a)4	014204		Conviction for violation of Section 402(a) 1402(f) of the Controlled Substances Act concerning the possession of 200 grams or more of any substance containing peyote
1402(a)5	014205		Conviction for violation of Section 402(a) 1402(f) of the Controlled Substances Act concerning the possession of 200 grams or more of any substance containing a derivative of barbituric acid or any of the salts of a derivative of barbituric acid
1402(a)6	014206		Conviction for violation of Section 402(a) 1402(f) of the Controlled Substances Act concerning the possession of 200 grams or more of any salt of

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ILLINOIS CONTROLLED SUBSTANCES ACT	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION	DESCRIPTION OF OFFENSE
1402(a)7	014207		an optical isomer of amphetamine or methamphetamine Conviction for violation of Section 402(a) 1402(f) of the Controlled Substances Act concerning the possession of 15 grams or more of any substance containing the salts of 100 grams of any substance containing lysergic acid diethylamide (LSD)
1402(a)8	014208		Conviction for violation of Section 402(a) 1402(f) of the Controlled Substances Act concerning the possession of 30 grams or more of any substance containing pentazocine or any of the salts, isomers and salts of isomers of pentazocine
1402(a)9	014209		Conviction for violation of Section 402(a) 1402(f) of the Controlled Substances Act concerning the possession of 30 grams or more of any substance containing methqualone or any of the salts, isomers and salts of isomers of methqualone
1402(a)10	014210		Conviction for violation of Section 402(a) 1402(f) of the Controlled Substances Act concerning the possession of 30 grams or more of any substance containing phencyclidine or any of the salts, isomers and salts of isomers of phencyclidine (PCP)
1402(a)11	014211		Conviction for violation of Section 402(a) 1402(f) of the Controlled Substances Act concerning the possession of 200 grams or more of any other controlled or counterfeit substance classified as a narcotic drug in Schedule I or II which is not otherwise included in this subsection

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ILLINOIS CONTROLLED SUBSTANCES ACT	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION	DESCRIPTION OF OFFENSE	POINTS
1402(b)	014220	1402 20	Conviction for violation of Section 402(b) 1402(b) of the Controlled Substance Act concerning the possession of any other amount of a controlled or counterfeit substance	
1407	014070	1407 00	Adult delivers controlled or counterfeit substances to minor	
1407.1	014701	1407 01	Adult uses minor to deliver controlled/counterfeit substances	
2103	021003	21 03	Violation of the Controlled Substances Act [720 ILCS 600] concerning the sale of instruments used for illegal drug use or abuse	

c) Illinois Vehicle Code
The following points assigned violations will be entered on the
driving record as type action -97- bond forfeiture or type action -99-
conviction

VIOLATION	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION	DESCRIPTION OF OFFENSE	POINTS
6-501	501000	6 501 00	Violation of more than one driver's license (a serious traffic violation if committed in a commercial motor vehicle)	50
6-507(A)	507100	6 507 A0	Driving a commercial motor vehicle without a valid driver's license (a serious traffic violation if committed in a commercial motor vehicle)	50
11-203	020300	# 0203 00	Failure to obey lawful order of authorized officer	10
11-305	030500	# 0305 00	Disregarding official traffic-control device	20
11-306	030600	# 0306 00	Disregarding official traffic-control light	20

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VIOLATION	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION	DESCRIPTION OF OFFENSE	POINTS
11-308	030800	# 0308 00	Disregarding lane-control signal (a serious traffic violation if committed in a commercial motor vehicle)	20
11-309	030900	# 0309 00	Disregarding flashing traffic signal	20
11-402(A)	040201	# 0402 01	Collision involving damage to vehicles only - failure to stop, exchange information and make report	25
11-403	040300	# 0403 00	Failure to stop and exchange information after motor vehicle collision property damage only	25
11-403	040370	# 0403 G0	Failure to stop and exchange information or give aid after motor vehicle collision-	50
11-404	040400	# 0404 00	Personal injury involved Failure to notify owner after collision with unattended vehicle or other property	15
11-502(A)	050201	# 0502 01	Illegal transportation, loading, unloading, or storage of hazardous liquor within the passenger area of any motor vehicle	25
11-503	050300	# 0503 00	Reckless driving (a serious traffic violation if committed in a commercial motor vehicle)	55
11-505	050500	# 0505 00	Swearing or screeching tires	10
11-601(A)	060100	# 0601 00	Speeding too fast for conditions (a serious traffic violation if committed in a commercial motor vehicle)	10
11-601(B)	060101	# 0601 01	1-10 MPH above limit	5
11-601(C)	060102	# 0601 02	11-15 MPH above limit	10
11-601(D)	060103	# 0601 03	16-20 MPH above limit	15
11-601(E)	060105	# 0601 05	21-25 MPH above limit (a	15

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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****	IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
11-601(b)	060107	# 0601 07	serious traffic violation if committed in a commercial motor vehicle) Over 25 MPH above limit (a serious traffic violation if committed in a commercial motor vehicle)	20	11-703(b)	070302	# 0703 02	Failure to yield right-of-way to vehicle passing on the left (a serious traffic violation if committed in a commercial motor vehicle)	20
11-605	060500	# 0605 00	Exceeding the maximum speed limit in a school zone (a serious traffic violation if committed in a commercial motor vehicle)	50	11-703(c)	070303	# 0703 03	Improper passing with a two wheeled vehicle	20
11-605(b)	060502	# 060502	Exceeding the maximum speed limit through a highway construction or maintenance zone (a serious traffic violation if committed in a commercial motor vehicle)	20	11-704	070400	# 0704 00	Improper passing on the right (a serious traffic violation if committed in a commercial motor vehicle)	20
11-606(a)	060601	# 0606 01	Driving below minimum speed limit	20	11-705	070500	# 0705 00	Improper passing on the left (a serious traffic violation if committed in a commercial motor vehicle)	20
11-606(b)	060602	# 0606 02	Driving below minimum speed limit on Illinois Tollway	5	11-706	070600	# 0706 00	Driving on left side of roadway in a no passing zone (a serious traffic violation if committed in a commercial motor vehicle)	20
11-608	060800	# 0608 00	Exceeding maximum speed limit on bridge or elevated structure	20	11-707(b)	070702	# 0707 02	Driving on left side of roadway in a no passing zone (a serious traffic violation if committed in a commercial motor vehicle)	20
11-701	070100	# 0701 00	Failure to drive on right side of roadway (a serious traffic violation if committed in a commercial motor vehicle)	10	11-707(d)	070704	# 0707 04	No passing in unincorporated areas where there exist a school speed zone as defined in Section 11-605 (a serious traffic violation if committed in a commercial motor vehicle)	20
11-702	070200	# 0702 00	Improper passing upon meeting an approaching vehicle (a serious traffic violation if committed in a commercial motor vehicle)	20	11-708	070800	# 0708 00	Driving wrong way on one-way street or highway or around traffic island (a serious traffic violation if committed in a commercial motor vehicle)	10

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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
11-601(b)	060107	# 0601 07	serious traffic violation if committed in a commercial motor vehicle) Over 25 MPH above limit (a serious traffic violation if committed in a commercial motor vehicle)	20
11-605	060500	# 0605 00	Exceeding the maximum speed limit in a school zone (a serious traffic violation if committed in a commercial motor vehicle)	50
11-605(b)	060502	# 060502	Exceeding the maximum speed limit through a highway construction or maintenance zone (a serious traffic violation if committed in a commercial motor vehicle)	20
11-606(a)	060601	# 0606 01	Driving below minimum speed limit	20
11-606(b)	060602	# 0606 02	Driving below minimum speed limit on Illinois Tollway	5
11-608	060800	# 0608 00	Exceeding maximum speed limit on bridge or elevated structure	20
11-701	070100	# 0701 00	Failure to drive on right side of roadway (a serious traffic violation if committed in a commercial motor vehicle)	10
11-702	070200	# 0702 00	Improper passing upon meeting an approaching vehicle (a serious traffic violation if committed in a commercial motor vehicle)	20
11-703(a)	070301	# 0703 01	Improper passing on left (a serious traffic violation if committed in a commercial motor vehicle)	10

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IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION	POINTS	IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION	POINTS
11-709(a)	070901	# 0709 01 violation if committed in a commercial motor vehicle) Improper traffic lane usage (a serious traffic violation if committed in a commercial motor vehicle)	5	11-804	080400	# 0804 00 Failure to give stop or turn signal	15
11-709(b)	070902	# 0709 02 Improper center lane usage (a serious traffic violation if committed in a commercial motor vehicle)	20	11-805	080500	# 0805 00 Improper stop or turn signal	15
11-709(c)	070903	# 0709 03 Improper traffic lane usage (a serious traffic violation if committed in a commercial motor vehicle)	20	11-806	080600	# 0806 00 Improper arm signal	15
11-709(d)	070904	# 0709 04 Improper traffic lane usage (a serious traffic violation if committed in a commercial motor vehicle)	20	11-901	090100	# 0901 00 Failure to yield right-of-way at intersection	15
11-709.1	070911	# 0709 11 Passing on shoulder while merging into traffic (a serious traffic violation if committed in a commercial motor vehicle)	20	11-901.1	090101	# 0901 01 Failure to yield right-of-way at T intersection	15
11-710	071000	# 0710 00 Following too closely (a serious traffic violation if committed in a commercial motor vehicle)	25	11-902	090200	# 0902 00 Improper left turn with on-coming traffic	25
11-711(a)	071101	# 0711 01 Improper entry or exit from controlled access roadway	10	11-903	090300	# 0903 00 Failure to stop or yield right-of-way to pedestrian or bicyclist at intersections or crosswalks with traffic control devices	20
11-711(b)	071102	# 0711 02 Operating an improper vehicle on a controlled access roadway	10	11-904	090400	# 0904 00 Failure to obey stop or yield right-of-way sign	20
11-801	080100	# 0801 00 Improper turn at intersection	10	11-905	090500	# 0905 00 Improper merging into traffic	20
11-802	080200	# 0802 00 Improper U-turn	20	11-906	090600	# 0906 00 Failure to yield right-of-way upon emerging from private road or roadway	20
11-803	080300	# 0803 00 Immediate movement of vehicle from parked position	15	11-907	090700	# 0907 00 Failure to yield right-of-way to emergency vehicle	15
				11-908(a)	090801	# 0908 01 Failure to yield right-of-way to authorized vehicle or pedestrian engaged in work within any highway maintenance area	15
				11-908(b)	090802	# 0908 02 Failure to yield right-of-way to authorized vehicle displaying flashing lights engaged in work upon a highway	15
				11-908(c)	090803	# 0908 03 Failure to stop at	15

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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION *****	DESCRIPTION OF OFFENSE *****	POINTS *****	IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION *****	DESCRIPTION OF OFFENSE *****	POINTS *****
11-1002(a)	100201	# 1002 01	highway construction sign pedestrian at crosswalks without traffic	15	11-1205	120500	Failure to yield right-of-way upon emerging from alley	20	1205 00
11-1002(d)	100204	# 1002 04	Passing vehicle stopped for pedestrian (a serious traffic violation if committed in a commercial motor vehicle)	20	11-1402(a)	140201	or driveway on backing limitations on backing upon controlled access	10	1402 01
11-1002(e)	100205	# 1002 05	Failure to yield right-of-way to a pedestrian at an intersection	20	11-1402(b)	140202	Motorcycle operating violation or passenger equipment violation	10	1402 02
11-1003.1	100301	# 1003 01	Failure to exercise due care for pedestrian or bicyclist	20	11-1403	140300	Motorized pedalcycle operation of motorcycle on one wheel - reckless driving	20	1403 00
11-1004	100400	# 1004 00	Failure to yield right-of-way to a blind or hearing impaired pedestrian	10	11-1403.1	140301	Motorcycle glasses, goggles or shield	55	1403 01
11-1008	100800	# 1008 00	Failure to yield to a pedestrian on a sidewalk	20	11-1403.2	140302	Motorized pedalcycle operation of motorcycle on one wheel - reckless driving	5	1403 02
11-1101	110100	# 1101 00	Improper passing of street car on the left	10	11-1404	140400	Motorcycle glasses, goggles or shield	5	1404 00
11-1102	110200	# 1102 00	Improper passing on the right or failure to stop for a street car	20	11-1405	140500	Motorcycle glasses, goggles or shield	5	1405 00
11-1103	110300	# 1103 00	Obstructing street car traffic	20	11-1412.1	141201	Motorcycle glasses, goggles or shield	5	1412 01
11-1104	110400	# 1104 00	Driving through safety zone	5	11-1414(a)	141401	Driving upon sidewalk (a commercial motor vehicle)	20	1414 01
11-1201	120100	# 1201 00	Failure to stop for approaching railroad train or signal	20			Passing school bus receiving or discharging children (a serious traffic violation if committed in a commercial motor vehicle)	20	
11-1202	120200	# 1202 00	Failure to stop at railroad grade crossing	20	11-1418	141800	Illegal operation of farm tractor upon highway	25	1418 00
11-1203	120300	# 1203 00	Improper movement of heavy equipment across railroad grade crossing	20	11-1505	150500	Improper position of motorized pedalcycles on roadways	10	1505 00
11-1204	120400	# 1204 00	Disregarding stop or yield sign at an intersection	5	11-1505.1	150501	Peding motorized pedalcycle more than two abreast on roadways	10	1505 01
					11-1507.1	150701	Violation of lamps on motorized pedalcycles	10	1507 01
					11-1510(b)	151020	Motorized pedalcycles improper left turn on pedalcycle	10	1510 80
					12-201(b)	220102	Head, tail or side light	10	2201 02

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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION *****	DESCRIPTION OF OFFENSE *****	POINTS *****
11-1205	120500	# 1205 00	Failure to yield right-of-way upon emerging from alley	20
11-1402(a)	140201	# 1402 01	or driveway on backing limitations on backing upon controlled access	10
11-1402(b)	140202	# 1402 02	Motorcycle operating violation or passenger equipment violation	10
11-1403	140300	# 1403 00	Motorized pedalcycle operation of motorcycle on one wheel - reckless driving	20
11-1403.1	140301	# 1403 01	Motorcycle glasses, goggles or shield	55
11-1403.2	140302	# 1403 02	Motorized pedalcycle operation of motorcycle on one wheel - reckless driving	5
11-1404	140400	# 1404 00	Motorcycle glasses, goggles or shield	5
11-1405	140500	# 1405 00	Motorcycle glasses, goggles or shield	5
11-1412.1	141201	# 1412 01	Motorcycle glasses, goggles or shield	5
11-1414(a)	141401	# 1414 01	Driving upon sidewalk (a commercial motor vehicle)	20
11-1418	141800	# 1418 00	Illegal operation of farm tractor upon highway	25
11-1505	150500	# 1505 00	Improper position of motorized pedalcycles on roadways	10
11-1505.1	150501	# 1505 01	Peding motorized pedalcycle more than two abreast on roadways	10
11-1507.1	150701	# 1507 01	Violation of lamps on motorized pedalcycles	10
11-1510(b)	151020	# 1510 80	Motorized pedalcycles improper left turn on pedalcycle	10
12-201(b)	220102	# 2201 02	Head, tail or side light	10

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IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION	DESCRIPTION OF OFFENSE	POINTS
*****	*****	*****	*****	*****
12-208(a)	220801	# 2208 01	No stop lights	5
12-208(b)	220802	# 2208 02	No turn signal lights	5
12-208(c)	220803	# 2208 03	No turn signal lights on	5
12-301	230100	# 2301 00	Defective brakes	20
12-804	280400	# 2804 00	School bus identification and warning light	5
15-106	510600	# 5106 00	Violation to fasten or secure any protruding component of a vehicle	15
15-109	510900	# 5109 00	Spilling or unsafe load	15
15-110	511000	# 5110 00	Improper towing of a vehicle	10
15-114	511400	# 5114 00	Improper pushing of another vehicle	10
d) City of Chicago Traffic Regulations - Chapter 27 of the Municipal Code of Chicago				
The following point assigned violations will be entered on the driving record as type action - 97 - bond forfeiture or type action - 99 - conviction				
CHICAGO TRAFFIC CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION	DESCRIPTION OF OFFENSE	POINTS
*****	*****	*****	*****	*****
7-201	201000	7 201 00	Disregarding official traffic-control device	20
7-202	202000	7 202 00	Disregarding traffic-control light	20
7-203	203000	7 203 00	Disregarding flashing traffic signal	20
7-204	204000	7 204 00	Disregarding lane control light	20
7-205	205000	7 205 00	Avoiding official traffic-control device	20
7-210	210000	7 210 00	Driving motor-driven vehicle on sidewalk	10
7-211	211000	7 211 00	Using traffic lane	20
7-212	212000	7 212 00	Speeding too fast for conditions	10
7-212.01	212001	7 212 01	1 - 10 MPH above limit	5

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CHICAGO TRAFFIC CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION	DESCRIPTION OF OFFENSE	POINTS
*****	*****	*****	*****	*****
7-212.03	212003	7 212 03	11 - 14 MPH above limit	15
7-212.05	212005	7 212 05	15 - 25 MPH above limit (a serious traffic violation if committed in a commercial motor vehicle)	20
7-212.07	212007	7 212 07	Over 25 MPH above limit (a serious traffic violation if committed in a commercial motor vehicle)	50
7-213	213000	7 213 00	Driving below minimum speed limit	5
7-214	214000	7 214 00	Improper turn at intersection	10
7-215	215000	7 215 00	Improper or illegal turn on red signal light	20
7-216	216000	7 216 00	Improper U-turn	10
7-217	217000	7 217 00	Improper U-turn in loop district	10
7-218	218000	7 218 00	Disobeying no-turn sign	10
7-219	219000	7 219 00	Disobeying one-way on one-way street	5
7-220	220000	7 220 00	Driving wrong way on one-way street - restrictive period	5
7-221	221000	7 221 00	Disregarding stop sign at intersection	20
7-222	222000	7 222 00	Failure to yield right-of-way at stop intersection	20
7-223	223000	7 223 00	Failure to yield right-of-way upon emerging from alley or driveway intersection	20
7-224	224000	7 224 00	Entering intersection when traffic is obstructed	20
7-225	225000	7 225 00	Failure to observe yield sign	20
7-226	226000	7 226 00	Failure to stop for approaching railroad train or signal	20

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CHICAGO TRAFFIC CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION *****	CHICAGO TRAFFIC CODE *****	EDPM OFFENSE CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
7-227	227000	7 227 00	7-249	249000	Driving through safety zone	20
7-228	228000	7 228 00	7-250	250000	Driving in bus lane	20
7-229	229000	7 229 00	7-251	251000	Driving on left side of roadway where prohibited	10
			7-252	252000	Improper backing	10
			7-253	253000	Improper entry or exit from controlled access roadway	10
7-230	230000	7 230 00	7-255	255000	Negligent driving	10
			7-256	256000	Following too closely	25
7-231	231000	7 231 00	7-257	257000	Failure to exercise due care for pedestrian	10
			7-260	260000	Unsafe movement of vehicle from parked position	15
7-232	232000	7 232 00	7-261	261000	Failure to give stop or turn signal	15
7-233	233000	7 233 00	7-262	262000	Improper stop or turn signal	15
7-236(a)	236001	7 236 01	7-266	266000	Improper towing or pushing of vehicle	10
7-236(b)	236002	7 236 02	7-270	270000	Failure to drive within bus lane - bus drivers	20
			7-271	271000	Failure to observe mass transportation vehicle regulations	20
7-237	237000	7 237 00	7-278	278000	Illegal operation of motorcycle or motor vehicle	10
7-238	238000	7 238 00	7-342	342000	Defective brakes	20
7-239	239000	7 239 00	7-346	346000	Head, tail, or side light violation	10
7-240	240000	7 240 00	7-359	359000	Towing vehicles without bar or other safety device	10
7-241	241000	7 241 00	7-369	369000	Failure to notify owner after collision with unattended vehicle	25
7-244	244000	7 244 00	7-402(c)	402003	Restricted turn signs - prohibited right or left turn	10
7-247	247000	7 247 00				
7-248	248000	7 248 00				

e) Illinois Vehicle Code

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The following violations will be entered on the driving record as type action - 95 - bond forfeiture or type action - 96 - conviction with no point value

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION	DESCRIPTION OF OFFENSE
11-407(a)	040710	# 0407 A0	Failure of driver to give notice of accident
11-407(b)	040720	# 0407 B0	Failure of passenger to give notice of accident
11-1412	141200	# 1412 00	Crossing fire hose
11-1420	142000	# 1420 00	Passenger violation
12-201(c)	220103	# 2201 03	Registration light violation
12-203	220300	# 2203 00	Lamps on parked vehicle
12-207	220700	# 2207 00	Spot light or auxiliary light violation
12-209	220900	# 2209 00	Other light violation
12-211(a)	221101	# 2211 01	Headlight violation
12-211(b)	221102	# 2211 02	Front light violation
12-212	221200	# 2212 00	Front red or flashing light violation
12-214	221400	# 2214 00	Special lighting equipment on rural mail delivery vehicle
12-603.1	260301	# 2603 01	Violation of the seat belt act
12-712(a)	271201	# 2712 01	Violation of possession and use of a radar detecting device in a commercial vehicle
12-712(a)	271301	# 2713 01	Violation of possession and use of a radar jamming device in a commercial motor vehicle
12-714(a)	271401	# 2714 01	Violation of possession and use of a radar detecting device in a commercial motor vehicle
12-715(a)	271501	# 2715 01	Violation of possession and use of a radar jamming device in a commercial motor vehicle
1104	001104	# 01104 00	Violation of the Child Passenger Protection Act [625 ILCS 23] child under age 4
1104(a)	01104 10	# 01104 10	Violation of the Child Passenger Protection Act [625 ILCS 23] child age 4 but under age 6

f) City of Chicago Traffic Regulations - Chapter 27 of the Municipal Code of Chicago

The following violations will be entered on the driving record as type

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action - 95 - bond forfeiture or type action - 96 - conviction with no point value

CHICAGO TRAFFIC CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION	DESCRIPTION OF OFFENSE
7-235	235000	7 235 00	Driving through a funeral procession
7-246	246000	7 246 00	Crossing fire hose
7-274	274000	7 274 00	Driving in a funeral procession
7-342.1	342001	7 342 01	Violation of seat belt act
7-347	347000	7 347 00	Spot light violation
7-348	348000	7 348 00	Other light violation
7-349	349000	7 349 00	Front red or flashing light

g) Case Review

1) After each case is entered to the appropriate, driving record, suspension, revocation or disqualification of cancellation action is determined by review of the driving record by a driver's license Services Technician or action is taken for suspension, revocation, or disqualification by automated computer programs using criteria set forth in 92 Ill. Adm. Code 1040.

2) Driver control action shall be entered upon the driver's record by classification (type action).

A) Classification for driver control actions:

Type action 01	Mandatory Revocation
Type action 02	Discretionary Revocation
Type action 03	Discretionary Suspension
Type action 04	Safety Responsibility Suspension
Type action 05	Financial Responsibility Suspension
Type action 06	Unsound Judgment Suspension
Type action 07	Mandatory Suspension
Type action 08	Cancellation of License
Type action 09	Mandatory Suspension
Type action 17	Statutory Summary Suspension
Type action 18	Vehicle Emissions Suspension
Type action DQ	Discretionary/Mandatory Disqualification
Type action OS	Out of Service Law Enforcement History Item
Type action 27	Zero Tolerance Suspension

B) Description of driver control action:

The code used to describe the action is composed of the

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Chapter and/or Section number of The Illinois Vehicle Code which provides the Secretary of State with the authority to take such action.

h) Mandatory Revocation - Type Action 01

IVC CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION	DESCRIPTION OF OFFENSE CODE
6-205(a)1	205101	Reckless homicide	*****
6-205(a)2	205102	Driving while under the influence of alcohol, other drug, or combination thereof	*****
6-205(a)3	205103	Felony involving the use of a motor vehicle	*****
6-205(a)4	205104	Leaving the scene of a traffic accident involving death or personal injury	*****
6-205(a)5	205105	Violation of Section 11-401 of the Illinois Vehicle Code relating to ownership or operation of a motor vehicle	*****
6-205(a)6	205106	Three convictions of reckless driving committed within a 12-month period	*****
6-205(a)7	205107	Conviction of motor vehicle theft as defined in Section 4-102	*****
6-205(a)8	205108	Conviction of drag racing under Section 11-504 of the Illinois Rules of the Road of the Illinois Vehicle Code	*****
6-205(a)9	205109	Violation of financial responsibility in operation of motor vehicle for the purpose of hire (Chapter 8)	*****
6-205(a)10	205110	Conviction of aggravated fleeing or eluding a police officer	*****
6-205(a)11	205111	Violation of Sec. 6-507(b) or a similar law of another state relating to the unlawful operation of a commercial motor vehicle	*****
6-205(a)12	205112	A second or subsequent violation of Section 11-502(a) of the Illinois Vehicle Code or a similar provision of a local ordinance and the driver was less than 21 years of age at the	*****

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IVC CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION	DESCRIPTION OF OFFENSE CODE
6-205(b)1	205201	Time of the offense	*****
6-205(c)	205300	Notice provided for in Section 1-8 of the Juvenile Court Act, that minor has been adjudicated under that Act as having committed an offense relating to motor vehicles prescribed in Section 4-103 of the Illinois Vehicle Code	*****
6-205(d)	205400	Revocation of a restricted driving permit	*****
6-205(d)	205400	Conviction of a person under the age of 21 for driving under the influence of alcohol, other drug or a combination thereof	*****
i) Discretionary Revocation and Suspensions - Type Action 02 or 03			
IVC CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION	DESCRIPTION OF OFFENSE CODE
6-206(a)1	206101	Violation of a restriction on a license or permit	*****
6-206(a)2	206102	Has committed an offense requiring revocation upon conviction	*****
6-206(a)3	206103	Three or more convictions of moving traffic violations committed within a 12-month period	*****
6-206(a)4	206104	Habitually been in violation of vehicle law resulting in death or injury	*****
6-206(a)5	206105	Permitted unlawful or fraudulent use of license, ID card or permit	*****
6-206(a)6	206106	Conviction of an offense in another state requiring a suspension or revocation in this State including authorization contained in Section 6-203.1	*****
6-206(a)7	206107	Refused or failed to submit to an examination	*****
6-206(a)8	206108	Ineligible for license or permit under Section 6-103	*****
6-206(a)9	206109	False statement or knowingly concealed a material fact in	*****

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IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
6-206(a)10	206110	6 206 A10	application for license or permit fraudulently use any driver's license, ID card or permit not issued to such person
6-206(a)11	206111	6 206 A11	Driving while license or permit has been revoked
6-206(a)12	206112	6 206 A12	Obtained services of another person to take an examination for the purpose of obtaining a license, ID card or permit for some other person
6-206(a)13	206113	6 206 A13	Violation of Curfew Act
6-206(a)14	206114	6 206 A14	Unlawful use of license or permit under Section 6-301 or 6-301.1 or 6-301.2 of the Illinois Vehicle Code or Section 14, 14A or 14B of the Illinois Identification Card Act (15 ILCS 335)
6-206(a)15	206115	6 206 A15	Conviction of criminal trespass to vehicles as defined in Section 21-2 of the Criminal Code of 1961 (720
6-206(a)16	206116	6 206 A16	Violation of Section 11-204.
6-206(a)17	206117	6 206 A17	Has refused to submit to a test as required under Section 11-501.1, and such person has not sought a hearing as provided for in Section 11-501.1
6-206(a)18	206118	6 206A 18	Has been adjudged to be afflicted with or suffering from any mental disability or disease
6-206(a)19	206119	6 206 A19	Has violated Section 6-101 - driving without a valid license
6-206(a)20	206120	6 206 A20	Has violated Section 6-104 - driving without a proper classification on a driver's license
6-206(a)21	206121	6 206 A21	Has violated Section 11-402 relating to the issuance of an accident resulting in damage to a vehicle in excess of \$1000
6-206(a)22	206122	6 206 A22	Has used a motor vehicle in violation of Section 24-1(a)(3), (4), (7), or (9) of the Criminal Code of 1961
6-206(a)23	206123	6 206 A23	Has been convicted of violating

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IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
6-206 A24	206124	6 206 A24	paragraph-(4)-(f) of Section 11-502(a) for a second or subsequent time within one year
6-206 A25	206125	6 206 A25	Has been convicted by court martial or punished by non-judicial punishment by military authorities of the United States at a military station in Illinois at a traffic related offense under the same or similar to an offense specified under Section 6-205 or 6-206
6-206 A26	206126	6 206 A26	Has permitted any form of identification to be used by another in the application process in order to obtain a license, identification card or permit
6-206 A27	206127	6 206 A27	Has altered or attempted to alter a license or has possessed an altered license, identification card or permit
6-206 A28	206128	6 206 A28	Has violated Section 6-16 of the Liquor Control Act of 1934 Conviction for the illegal possession of a controlled substance is prohibited under the Illinois Controlled Substances Act or any cannabis prohibited under the Cannabis Control Act while operating a motor vehicle
6-206 A29	206129	6 206 A29	Conviction of criminal sexual assault, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, juvenile pimping, soliciting for a juvenile prostitute or the manufacture, sale or delivery of controlled substances or instruments used for illegal drug use or abuse
6-206 A30	206130	6 206 A30	Conviction of a motor vehicle violation or conviction of a time of a sex offense and/or an offense against drug laws while operating a motor vehicle as enumerated in Section 6-206(a)(29)

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IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
6-206(a)31	206131	6 206 A31	Refused to submit/failure test(s) as required by Section 11-501.6
6-206(a)32	206132	6 206 A32	Violation of Section 24-1.2 of the Criminal Code of 1961
6-206(a)33	206133	6 206 A33	A violation of Section 11-502(a) of the Illinois Vehicle Code or a similar provision of a local ordinance and the driver was less than 21 years of age at the time of the offense
6-206(c)3	206303	6 206 C3	Conviction of an offense while holding a Restricted Driving Permit

j) Discretionary or Mandatory - Suspension - Type Action 03, 07, 09, 17, or 18, or 21

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
6-205(c)	205300	6 205 C0	Suspension of a Restricted Driving Permit
6-303(b)	303200	6 303 B0	Driving while license or permit has been revoked or suspended
6-306.3	306003	6 306 03	Failure to appear in court to answer a traffic violation charge after depositing a valid Illinois license in lieu of bail
6-306.5	306005	6 306 05	Failure to pay fines-parking violations
11-406(e)	040650	1 0406 B0	Suspended for failure or neglect to make a report by Section 11-406
11-501.1	050101	1 0501 01	Statutory Summary Suspension
11-501.8	050108	1 0501 08	Zero Tolerance Suspension
11-1414(f)	141460	1 1414 P0	Failure to stop for school bus when loading or discharging passengers
13A 112(b)	311122	13A 112 B	Vehicle Emissions suspension

k) Cancellation - Type Action 08

IVC VIOLATION	EDPM OFFENSE	ABSTRACT DESCRIPTION
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IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
6-108(1)	108001	6 108 01	Request for withdrawal of consent
6-108(2)	108002	6 108 02	Death of person giving consent
6-108(3)	108003	6 108 03	Person giving consent no longer has legal custody
6-113(d)	113400	6 113 D0	Cancellation of a Restricted Driving Permit based on evidence of violation of restriction
6-201(a)1	201101	6 201 A1	Not entitled to the issuance of the license or permit
6-201(a)2	201102	6 201 A2	Failed to give the required or correct information
6-201(a)3	201103	6 201 A3	Failed to pay fees or taxes due
6-201(a)4	201104	6 201 A4	Committed any fraud in the making of such application
6-201(a)5	201105	6 201 A5	Violated the provisions under the provisions of Section 6-103
6-201(a)6	201106	6 201 A6	Has refused or neglected to submit to examination or re-examination as required under this Code
6-201(a)(7)	201107	6 201 A7	Has violated the Cannabis Control Act or the Illinois Controlled Substances Act while in physical control of a motor vehicle
6-205(c)	205300	6 205 C0	Cancellation of a permit issued subsequent to a mandatory revocation pursuant to Section 6-205
6-206(c)3	206303	6 206 C3	Cancellation of a permit subsequent to a discretionary revocation or suspension pursuant to Section 6-206

l) Discretionary/Mandatory Disqualification - Type Action - DQ

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
6-514(a)1	514101	6 514 A1	Refusal to submit/failure to complete chemical test
6-514(a)2	514102	6 514 A2	Operating commercial motor vehicle/alcohol concentration .04 or more or any amount of a drug, substance, or compound in such person's blood or urine resulting from the unlawful

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IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
6-514(a)3I	514131	6 514 A31	use or consumption of cannabis listed in the Cannabis Control Act or a controlled substance listed in the Illinois Controlled Substances Act
6-514(a)3II	514132	6 514 A32	Driving under influence of alcohol/other drug(s)
6-514(a)3III	514133	6 514 A33	Leaving scene of accident while operating commercial motor vehicle
6-514(b)	514200	6 514 B	Violating licensing and security Sec. 6-514(a)
6-514(c)	514300	6 514 C	Second conviction of violation Sec. 6-514(a)
6-514(e)	514500	6 514 E	Conviction of felony drug offense(s) using commercial motor vehicle
			Conviction of 2 or more serious traffic violations within 3 years
			§) Out-Of-Service - Law Enforcement Sanction History Item - Type Action OS

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
6-515	515000	6 515	24 Hour out-of-service order
			n) The following violations will not be assigned points but will be entered on the driving record as type action -68- record history item conviction:

DHR CONVICTION CODE	DESCRIPTION OF OFFENSE
DE 0	Defective equipment
DS 0	Disability
DS 1	Inability to pass one or more tests required for driver's license

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DHR CONVICTION CODE	DESCRIPTION OF OFFENSE
EM 0	Equipment misuse
EM 1	Leaving a vehicle unattended with engine running
ER 0	Equipment regulations
ER 2	Use of equipment prohibited by law
FA 2	Violation of a motor vehicle law resulting in one's own death
FA 3	Suicide by motor vehicle
FE 0	Felony responsibility
FE 1	Felony judgment
FE 2	Unlawful judgment
FR 2	Failure to meet requirements of the security following accident provisions of the Financial Responsibility Law
FR 3	Failure to file future proof of financial responsibility following conviction for violation of motor vehicle laws
FR 4	Failure to file future proof of financial responsibility as required under any other provision of the Financial Responsibility Law
FR 5	Failure to maintain required compulsory driver's license
LI 0	Littering
MR 0	Misrepresentation contribution violation
MR 5	Obtaining or applying for a duplicate driver's license during withdrawal
MR 6	Misrepresentation of identity or other facts to avoid arrest or withdrawal
MS 0	Miscellaneous
MS 5	Sex offense in vehicle
RR 0	Required reports, appearances, or documents
RR 1	Failure to file report of accident as required
RR 2	Failure to appear for hearing or trial
RR 3	Failure to surrender driver's license, registration, or title documents as required
RT 0	Registration and titling
RT 3	Misrepresentation of identity or other facts to obtain a vehicle registration or title
RT 4	Displaying a registration or title which is invalid because of alteration, counterfeiting or withdrawal (revocation, suspension, etc.)
RV 1	Recurrence of violations requiring mandatory action of the licensing authority specified by law
RV 2	Accumulation of violations requiring mandatory action of the licensing authority because of a statutory point system
RV 3	Accumulation of violations resulting in discretionary action by the licensing authority
SC 6	Obscuring, tampering with, or illegally displaying traffic control devices, warning, or instructions

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DHR CONVICTION CODE	DESCRIPTION OF OFFENSE	POINTS
DE 5	Operating with defective equipment resulting in inability to control vehicle movement properly	*****
DI 5	Administrative per se	*****
DS 2	Operating a motor vehicle improperly because of physical or mental disability	*****
DS 3	Failure to discontinue operating a vehicle after onset of physical or mental disability (including uncontrollable overloading vehicle with passengers or cargo)	*****
EM 2	Creating unlawful noise with vehicle or accessory	*****
EM 5	Failure to dim lights as required	*****
EM 6	Using a vehicle in connection with illegal activity other than a felony	*****
ER 1	Operating without equipment required by law	*****
FA 0	Fatality	*****
FE 3	Using a motor vehicle to aid and abet a felon	*****
FO 0	Following an emergency vehicle unlawfully	*****
FO 3	Leaving the scene of an accident after providing aid or identity but before arrival of police	*****
HR 3	Conviction of multiple serious offenses resulting in a long term removal of the license	*****
RV 0	Conviction of multiple serious offenses resulting in a long term removal of the license	*****
IL 0	Operating on a road where prohibited	*****
IL 3	Operating on a road where prohibited	*****
IL 4	Driving on road shoulder, in ditch, or on sidewalk	*****
LI 1	Depositing injurious or harmful substance on traffic way	*****
LI 2	Throwing from vehicle any burning or smoldering substance	*****
LI 3	Littering from a motor vehicle	*****
MS 3	Opening vehicle closure into moving traffic or while vehicle is in motion	*****
MS 4	Crossing fire hose with vehicle	*****
MS 6	Unsafe operation of vehicle	*****
MS 8	Reckless, careless, or negligent driving	*****
RK 2	Operating a motor vehicle without the exercise of care and caution required to avoid danger to persons or property	*****
RK 3	Transporting hazardous substance without required safety equipment or precautions	*****
RK 4	Operating a vehicle with gears disengaged	*****
RR 4	Failure to keep driver's license or registration certificates in possession while driving or in vehicle as required	*****
RR 5	Operating a motor vehicle with registration plates missing, defaced or obscured	*****
RT 1	Operating a vehicle without registering it as required	*****
RT 2	Operating with expired registration	*****

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DHR CONVICTION CODE	DESCRIPTION OF OFFENSE	POINTS
RV 0	Repeated violations	*****
RV 0	Right-of-way	*****
RV 5	Failure to yield to school bus as required	*****
SC 3	Passing through or around barrier positioned to prohibit or channel traffic	*****
SC 4	Failure to observe warnings or instructions on vehicle properly	*****
SI 3	Failure to observe directional signals after executing maneuver	*****
SP 5	Operating at erratic or suddenly changing speeds	*****
TU 0	Turns	*****
TU 1	Making right turn from left turn lane	*****
TU 2	Making left turn from right turn lane	*****
VR 3	Driving after license denied	*****
WW 0	Wrong way, side or direction	*****
s)	The following point assigned violations will be entered on the driving record as type action -87- conviction:	*****
DHR CONVICTION CODE	DESCRIPTION OF OFFENSE	POINTS
AC 1	Violation of a motor vehicle law resulting in bodily injury	25
C 15	Leaving the scene of an accident involving a commercial motor vehicle	25
C 18	Excessive speeding, involving any single offense for any speed of 15 miles per hour or more above the posted speed limit when operating a CWV	20
C 19	Driving a CWV in willful or wanton disregard for the safety of persons or property	55
C 20	Reckless driving, as defined by State or local law	55
C 21	Improper or erratic traffic lane changes when operating a CWV	20
C 22	Operating a motor vehicle ahead too closely when operating a CWV	25
C 23	A violation, arising in connection with a fatal accident, of State or local law relating to motor vehicle traffic control (other than a parking violation) when operating a CWV	55
DE 2	Operating with defective brakes	20

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CONVICTION CODE	DESCRIPTION OF OFFENSE	POINTS
DI 4	Illegal possession of alcohol or drugs in motor vehicle	25
EM 3	Towing or pushing vehicle improperly	10
FA 1	Violation of a motor vehicle law resulting in the death of another person	25
FO 1	Following too closely	25
FO 2	Failure of a truck to leave sufficient distance for being overtaken by another vehicle	20
HR 0	Hit and run; leaving the scene; evading arrest	25
HR 1	Failure to stop and render aid after involvement in accident resulting in bodily injury	50
HR 2	Failure to stop and render aid after involvement in an accident resulting in property damage only (disqualification if committed in a commercial motor vehicle)	25
IL 1	Improper lane changing	20
IL 2	Failure to keep in proper lane	20
IL 5	Making improper entrance to or exit from traffic way	10
MS 1	Starting improperly from a parked position	15
MS 2	Improper backing	10
PA 0	Passing	10
PA 1	Passing on a hill, curve or when prohibited by posted signs or pavement markings	10
PA 2	Passing on wrong side of road	20
PA 3	Passing vehicles or with inadequate visibility; other vehicles or bus taking on or discharging passengers or displaying warning not to pass	20
PA 4	Failure to signal intention to pass	25
PA 5	Failure to yield to overtaking vehicle	15
PA 6	Headless, willful, wanton or reckless disregard of the rights and safety of others in operating a motor vehicle, endangering persons or property	55
RK 1	Failure to yield right-of-way to emergency or other authorized vehicle	15
RW 1	Failure to yield right-of-way at yield sign, after stop sign, or when emerging from private traffic way	20
RW 2	Failure to yield right-of-way in a manner required at unsigned intersection	15
RW 3	Failure to yield right-of-way to pedestrian, animal, rider, or vehicle as required	20
SC 0	Signs and control devices	20

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CONVICTION CODE	DESCRIPTION OF OFFENSE	POINTS
SC 1	Failure to follow instructions of police officer	10
SC 2	Failure to obey traffic laws related on traffic sign or shown by traffic control device	20
SC 5	Failure to observe safety zone	20
SI 0	Signaling intentions	15
SI 1	Failure to signal intention to change vehicle direction or to reduce speed suddenly	15
SI 2	Giving wrong signal	15
SP 0	Speeding	15
SP 2	Prima facie speed violation for driving too fast for conditions	10
SP 3	Speed in excess of posted maximum	5
SP 4	Speed less than posted minimum	5
TD 3	Making improper turn	15
NW 1	Driving wrong way on one-way street	5
NW 2	Driving on wrong side of road	5
NW 3	Driving in wrong direction at rotary intersection	20
t) The following withdrawals will not be assigned points but will be entered on the driving record as type action -89- withdrawal:		
CONVICTION CODE	DESCRIPTION OF OFFENSE	POINTS
C 11	Driving a commercial motor vehicle while the person's alcohol concentration is 0.04 percent or more	5
C 13	Refusal to undergo such testing as is required by any state or jurisdiction	5
C 51	Disqualification for driving a CMV while the person's alcohol concentration is 0.04 percent or more	5
C 52	Disqualification for driving under the influence of alcohol, as prescribed by State law	5
C 53	Disqualification for refusal to undergo such testing as is required by any state or jurisdiction	5
C 54	Disqualification for driving a CMV while under the influence of a controlled substance as defined under Section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6))	5
C 55	Disqualification for leaving the scene of an accident involving a CMV	5
C 56	Disqualification for a felony involving the use of a CMV as in C 16	5
C 61	As in C 51, but involving hazardous materials	5

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DHR

WITHDRAWAL

CODE

DESCRIPTION OF OFFENSE

- As in C 52, but involving hazardous materials
 C 62 As in C 53, but involving hazardous materials
 C 63 As in C 54, but involving hazardous materials
 C 64 As in C 55, but involving hazardous materials
 C 65 As in C 56, but involving hazardous materials
 C 66 Disqualification for the use of a CWV in the commission of a
 C 70 felony involving manufacturing, distributing, or dispensing a
 controlled substance as in C 17
 Disqualification for 2nd offense for any combination of
 violations as described in C 11-C 16
 C 71 Disqualification of a driver who during any 3-year period is
 convicted of two serious traffic violations in separate
 incidents; disqualification period is 60 days
 C 80 Disqualification of a driver who during any 3-year period is
 convicted of three serious traffic violations in separate
 incidents; disqualification period is 120 days
 C 81 2 Year Out-of-Service Order
 C 99 Submit to a test for alcohol after arrest for
 DUI 3 Revoke license on suspicion of intoxication
 driving while intoxicated or suspicion of intoxication

(Source: Amended at 21 Ill. Reg. 12609, effective

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- 1) Heading of the Part: Universities Retirement

- 2) Code Citation: 80 Ill. Adm. Code 1600

- 3) Section Number: Adopted Action:
1600.90 New Section

- 4) Statutory Authority: 40 ILCS 5/116

- 5) Effective Date of Amendment: August 28, 1997

- 6) Does this rulemaking contain an automatic renewal date? No

- 7) Does this amendment contain incorporations by reference? No

- 8) Date filed in agency's principal office: August 28, 1997

- 9) Notice of Proposal Published in Illinois Register: May 16, 1997, 21
Ill. Reg. 6059

- 10) Has JCAR issued a Statement of Objections to this amendment? No

- 11) Difference between proposal and final version:

In lines 114 and 153, capitalize "section".

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will this amendment replace an emergency rule currently in effect? Yes

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Amendment: This Section will provide benefits for certain State Universities Retirement System (SURS) participants who participate in SURS in excess of the limitations on benefits imposed by Section 415 of the Internal Revenue Code on plans to which that section applies.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Judith A. Parker, Deputy Director
 State Universities Retirement System
 P.O. Box 2710
 Champaign, IL 61825-2710
 (217) 378-8800

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governmental excess benefit arrangement pursuant to the provisions of Internal Revenue Code Section 415(m).

- d) Accordingly, SURS hereby adopts the Arrangement pursuant to the terms and provisions set forth below:

1) Definitions.

Wherever used herein, the following terms shall have the meanings hereinafter set forth:

- A) "Board" means the Board of Trustees of SURS.
- B) "Code" or "IRC" means the Internal Revenue Code of 1986, as amended from time to time, and any regulations relating thereto.
- C) "Employer" means an employer as defined at Section 15-106 of the Illinois Pension Code.
- D) "Retirement Date" means the beginning date of the annuity payment period set forth in Section 15-135 of the Illinois Pension Code.
- E) "Participant" means a person as defined at Section 15-108 of the Illinois Pension Code.
- F) "Arrangement" means the Excess Benefit Arrangement of the State Universities Retirement System of Illinois.
- G) "Qualified Plan" means the SURS Plan at Article 15 of the Illinois Pension Code.
- H) "Qualified Plan Retirement Benefit" means the aggregate benefit payable to a Participant pursuant to the Qualified Plan.
- I) "Qualified Plan Surviving Spouse Benefit" means the aggregate benefit payable to the Surviving Spouse of a Participant pursuant to the Qualified Plan.
- J) "Supplemental Retirement Benefit" means the benefit payable to a Participant pursuant to the Arrangement by reason of his termination of employment with any employer, for any reason other than death.
- K) "Surviving Spouse" means a person as defined at Section 15-127 of the Illinois Pension Code.
- L) "Supplemental Surviving Spouse Benefit" means the benefit payable to a Surviving Spouse pursuant to the Arrangement.

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- M) "Limitation Year" means that period for which all calculations and determinations of benefits and contribution limits will be made under IRC Section 415 and this Arrangement. The "Limitation Year" shall be the calendar year.

- N) Words in the masculine gender shall include the feminine and the singular shall include the plural, and vice versa, unless qualified by the context. Any headings used herein are included for ease of reference only, and are not to be relied upon so as to alter the terms hereof.

- 2) Eligibility.
- A) Participant who is eligible to receive a Qualified Plan Retirement Benefit, the amount of which is reduced by reason of the application of the limitations on benefits imposed by application of Section 415 of the Code, as in effect on the date for commencement of the Qualified Plan Retirement Benefit, or as in effect at any time thereafter, to the Qualified Plan shall be eligible to receive a Supplemental Retirement Benefit. The Surviving Spouse of a Participant described in the preceding sentence shall be eligible to receive a Supplemental Surviving Spouse Benefit.
 - B) Supplemental Retirement Benefit.

- A) Amount. The Supplemental Retirement Benefit payable to an eligible Participant shall be a monthly amount equal to the difference between subsections (d)(3)(A)(i) and (ii) below.

- i) The monthly amount of the Supplemental Retirement Benefit to which the Participant would have been entitled under the Qualified Plan if such benefit were computed without giving effect to the limitations on benefits imposed by application of Section 415 of the Code so plans to which that Section applies; LESS
- ii) The monthly amount of the Qualified Plan Retirement Benefit actually payable to the Participant under the Qualified Plan.

The amounts described in subsections (d)(3)(A)(i) and (ii) shall be computed annually, based upon a calendar year limitation year.

- B) Form of Benefit. The Supplemental Retirement Benefit payable to a Participant shall be paid in the same form under which the Qualified Plan Retirement Benefit is payable to the Participant. The Supplemental Retirement Benefit shall be paid to the Qualified Plan Retirement Benefit with the valid consent of his Surviving Spouse where required under the Qualified Plan. The Supplemental Retirement Benefit shall also be applicable to the payment of his Supplemental Retirement Benefit.

- C) Commencement of Benefit. Payment of the Supplemental Retirement Benefit to a Participant shall commence on the

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same date as payment of the Qualified Plan Retirement Benefit to the Participant commences. Any election under the Qualified Plan made by the Participant with respect to the Supplemental Plan shall be irrevocable. The Qualified Plan Retirement Benefit shall be paid to the Participant on the date of the commencement of payment of his Supplemental Retirement Benefit.

- 4) Supplemental Surviving Spouse Benefit.
- A) Amount. If a Participant dies under circumstances in which a Qualified Plan Surviving Spouse Benefit is payable to his Surviving Spouse, then a Supplemental Surviving Spouse Benefit is payable to his Surviving Spouse as hereinafter provided. The monthly amount of the Supplemental Surviving Spouse Benefit payable to a Surviving Spouse shall be equal to the difference between subsections (d)(4)(a)(i) and (ii) below.

i) The monthly amount of the Qualified Plan Surviving Spouse Benefit to which the Surviving Spouse would have been entitled under the Qualified Plan if such had been elected without any effecting the limitations on the amount of the benefit by the application of Section 415 of the Code to plans to which that Section applies; LESS

ii) The monthly amount of the Qualified Plan Surviving Spouse Benefit actually payable to the Surviving Spouse under the Qualified Plan.

- B) Form and Commencement of Benefit. A Supplemental Surviving Spouse Benefit shall commence and be payable in the same manner as the Qualified Plan Surviving Spouse Benefit paid.

- 5) Administration of the Arrangement.

A) Administration by SURS. SURS shall be responsible for the general operation and administration of the Arrangement and for carrying out the provisions thereof. SURS shall have full authority to amend this Arrangement and to issue such regulations with respect to the Arrangement as it deems appropriate. SURS shall have the duty and responsibility to maintain records and to make calculations and determinations of benefits hereunder. SURS regulations, interpretations, determinations, and calculations shall be final and binding upon all persons and parties concerned.

B) General Powers of Administration. All provisions set forth in the Qualified Plan with respect to the administrative powers and duties of SURS, expenses of administration, and procedures for filing claims shall also be applicable with respect to the Arrangement, including, but not limited to, the provisions of Sections 15-185, 15-186.1, 15-187, 15-190, and 15-191. SURS shall be entitled to rely conclusively

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upon all tables, valuations, certificates, opinions, and reports furnished by any actuary, accountant, controller, counsel, or other person employed or engaged by SURS with respect to the Arrangement.

- 6) Amendment or Termination.
- A) Amendment or Termination. SURS reserves the right to amend or terminate the Arrangement when, in the sole opinion of SURS, such amendment or termination is desirable for such amendment or termination shall be made pursuant to a resolution of the Board and shall be effective as of the date set forth in the resolution.
- B) Effect of Amendment or Termination. No amendment or termination of the Arrangement shall directly or indirectly derive any current or former Participant or Surviving Spouse of all or any portion of any Supplemental Retirement Benefit or Supplemental Surviving Spouse Benefit payment that has commenced prior to the effective date of such amendment or termination or which would be payable if the Participant terminated employment for any reason, including death, on such effective date.
- 7) General Provisions.
- A) Funding. The Arrangement at all times shall be entirely self-funded and no provision shall be made for the payment or disbursement of any assets of SURS of the State of Illinois or of any Employer for payment of any benefits hereunder. No Participant, Surviving Spouse, or any other person shall have any interest in any assets of SURS, the State, or of any Employer by reason of the right to receive a benefit under the Arrangement.
- B) General Conditions. Except as otherwise expressly provided herein, all terms and conditions of the Qualified Plan applicable to a Qualified Plan Retirement Benefit or a Qualified Plan Surviving Spouse Benefit shall also be applicable to a Supplemental Retirement Benefit or a Supplemental Surviving Spouse Benefit payable hereunder. Any Qualified Plan Retirement Benefit or Qualified Plan Surviving Spouse Benefit, or any other benefit payable under the Qualified Plan, shall be paid and recorded with the Qualified Plan. The terms of the Qualified Plan and nothing in this Arrangement shall operate or be construed in any way to modify, amend, or affect the terms and provisions of the Qualified Plan.
- C) No Guaranty of Benefits. Nothing contained in the Arrangement shall constitute a guaranty by SURS, the State, any Employer, or any other entity or person that the assets of any such entity will be sufficient to pay any benefit hereunder.
- D) No Encroachment of Employee Rights. No Participant or

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Survivor Spouse shall have any right to a benefit under the Arrangement except in accordance with the terms of the Arrangement. Establishment of the Arrangement shall not be construed to give any Participant the right to be retained in the service of any Employer.

E) Applicable law. The Arrangement shall be construed and administered under the laws of the State of Illinois.

(Source: Added at 21 Ill. Reg. 12660, effective 1/1/83.)

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF EMERGENCY AMENDMENT(S)

- 1) Heading of the Part: Data Collection
- 2) Code Citation: 77 Ill. Adm. Code 2510
- 3) Section Numbers: Emergency Action:
2510.70 Amendment
- 4) Statutory Authority: Section 4-4 of Article IV and authorized by Section 2-3 of Article II of the Illinois Health Finance Reform Act [20 ILCS 2215/4-4 and 2-3]
- 5) Effective Date of Amendments: September 2, 1997
- 6) Will this emergency amendment expire before the end of the 150-day period?
No
- 7) Date Filed in Agency's Principal Office: August 26, 1997
- 8) Reason for Emergency: The prices need to be increased to reflect the Council's increase in overhead to create the data products. The prices have not been reviewed or changed since the Council's inception. These increases will allow the Council to continue to supplement it's budget.
- 9) A Complete Description of the Subject and Issues Involved: This rulemaking amends the pricing structure for determining the price that requesting entities will be charged for data products, resale of purchased data products and special requests. It will cover, at a minimum, the direct and indirect costs of acquiring information and of developing product reports or special analyses.
- 10) Are there any other proposed amendments pending on this Part: No
- 11) Statement of Statewide Policy Objectives: This rulemaking will not affect units of local government.
- 12) Time, Place and Manner in which Interested Persons may Comment on this Rulemaking: Comments may be submitted in writing to:

Norman Roughley
Supervisor, Health Care Industry Relations
Information Services Division
Illinois Health Care Cost Containment Council
4500 South Sixth Street Road, Suite 215
Springfield, IL 62703-5118
217/786-7001, extension 108

The full text of the Emergency Amendments begins on the next page:

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NOTICE OF EMERGENCY AMENDMENT(S)

TITLE 77: PUBLIC HEALTH
CHAPTER XI: ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

PART 2510
DATA COLLECTION

- Section
2510.10 Purpose
2510.20 Outside Contractor
2510.30 Collection and Submission of Hospital Financial Data
2510.40 Submission of Medicaid Cost Reports
2510.50 Collection of Information on Uniform Billing Form
2510.55 Report of Inpatient Discharges
2510.60 Quarterly Reports
2510.65 Special Studies and Analysis
EMERGENCY
2510.80 Confidentiality
2510.85 Format of the Financial Data Report
2510.90 Hospital Review
APPENDIX A
Illinois Health Care Cost Containment Council Annual Financial Data Report
APPENDIX B
US-82 Magnetic Media Record Format
APPENDIX C
US-82 Uniform Bill Data Fields
APPENDIX D
US-92 Magnetic Media Record Format
APPENDIX E
US-92 Uniform Bill Data Fields
APPENDIX F
Ambulatory Surgical Magnetic Media Record Format Option 1/US92 Form
APPENDIX G
Ambulatory Surgical Data Fields Option 1/US92 Form
APPENDIX H
Ambulatory Surgical Magnetic Media Record Format Option 2/US92 Form
APPENDIX I
Ambulatory Surgical Data Fields Option 2

AUTHORITY: Implementing Article IV and authorized by Section 2-3 of Article II of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. IV and 2-3].

SOURCE: Adopted and codified at 9 Ill. Reg. 12726, effective August 5, 1985; amended at 10 Ill. Reg. 18790, effective October 17, 1986; amended at 11 Ill. Reg. 1574, effective January 2, 1987; amended at 12 Ill. Reg. 6107, effective March 21, 1988; amended at 13 Ill. Reg. 334, effective December 30, 1988; amended at 14 Ill. Reg. 2078, effective January 19, 1990; amended at 16 Ill. Reg. 8980, effective June 3, 1992; emergency amendment at 16 Ill. Reg. 19210, effective November 25, 1992, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 2031, effective January 29, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 9700, effective June 10, 1993; amended at 17 Ill. Reg. 9896, effective June 10, 1993; emergency amendment at 17 Ill. Reg. 14111, effective August 10, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5100, effective January 1, 1994; amended at 18 Ill. Reg. 5100, effective March 21, 1994; emergency amendment at 18 Ill. Reg. 14809, effective September 12, 1994, for a

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maximum of 150 days; amended at 18 Ill. Reg. 16810, effective November 4, 1994; amended at 19 Ill. Reg. 1825, effective February 6, 1995; amended at 19 Ill. Reg. 9113, effective June 23, 1995; emergency amendment at 19 Ill. Reg. 15097, effective October 11, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16046, effective November 17, 1995; amended at 20 Ill. Reg. 4727, effective March 6, 1996; emergency amendment at 21 Ill. Reg. 3277, effective February 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 8964, effective July 1, 1997; emergency amendment at 21 Ill. Reg. 12341, effective September 2, 1997, for a maximum of 150 days.

Section 2510.70 Special Studies and Analysis

- a) In addition to the quarterly reports, the Council shall respond to requests by agencies of government and organizations in the private sector for special studies and analysis (hereafter referred to as a "compilation of data") collected pursuant to Sections 2510.30 and 2510.50 of this Part. No such requests shall be accepted by the Council prior to October 1, 1985.
- b) For purposes of this Part, a compilation of data is defined as a magnetic tape, or diskette, CD-ROM, cartridge, or a hard copy report containing selected non-confidential data elements, a hard copy report or each.
- c) The Council shall not release any information for special studies and analysis which is not releasable under the Freedom of Information Act. No patient identifiable information shall be released. No hospital specific financial information shall be released except as provided in Section 2510.30 of this Part. Only the information which can be released under the requirements of the Act shall be released. Special studies and analysis shall not be subject to The Freedom of Information Act.
- d) All requests for compilations of data shall be made in writing to the Executive Director. The written request shall at least contain the name, address, and telephone number of the requester; a description of the requested compilation of data; a short, plain statement of the reason for the request; and the relationship of the requested compilation to a legitimate purpose. A "legitimate purpose" is a purpose consistent with the intent, policies, and purposes of the Act.
- e) The Council shall review each request for a compilation of data and determine whether to approve or deny the request. The Council shall publish the results of its review, including the reasons for its decision, and providing short descriptions of the request on its official meeting agenda. Such requests shall be approved only by the vote of a majority of the members of the Council who shall designate the form in which the information shall be made available. The approval or denial by the Council of requests for compilations of data shall be within the discretion of the Council. The Council may deny a request for a compilation of data for reasons including, but not

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f) limited to, unavailability of data; the requested compilation of data is already available from the Council or another source; the requested compilation of data would endanger patient confidentiality; or the request is not related to a legitimate purpose. No person or group may request such compilation of data concerning another person or group.

g) The Council shall notify the requester in writing of its decision. Denial of a request shall include a brief explanation of the reason for the denial. The Council shall also determine a fee to be charged to the requesting entity. The fee shall be at a minimum the direct and indirect costs of acquiring the information desired. The Council shall establish product reports or special analyses. The Council shall establish prices by rule for each category of purchasers for each product and for the various terms under which such purchasers may wish to acquire products.

1) Definition of Terms

- A) Public Release Product
Products which the Council has determined may be released by staff without specific Council action on each order are referred to as Public Release Data Products. These products are said to be 'ordered' by the customer.
- B) Controlled Release Product
Products which the Council has determined may not be released by staff without specific Council action on each product are to be referred to as Controlled Release Data Products. These products are said to be 'applied' for by the customer.
- C) Data Products
Data Products are to be made available in units covering a time period to which the data are applicable. Orders, applications, prices and release conditions shall be specific to the unit of product concerned. Unit or product for Public DataSet, Universal DataSet, and Research Oriented DataSet shall be calendar quarter. Unit of product for the Patient Origin DataSet shall be calendar year.
- D) Purchase
Data Products may be acquired for the single purpose and for the sole use of the ordering or applying entity. The Council filling an order or granting an application to a given entity shall be construed as giving permission for use of all the unit of product requested and, in the case of Controlled Release Products, only for the purposes originally applied for. No administrative approval by the Council shall not be construed as giving permission for the ordering or applying entity to use the data released on behalf of any client, member, organization or other entity not specified in the original order or application.
- E) Licenseure

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The Council may grant applications from corporations, vendors, or other organizations who wish to be licensed to acquire Council data and to release the information therein or derived therefrom to third parties. In the case of such licenseure, the Council will grant explicit right to re-release excluded in the provisions for Purchase, above. Licensees will be granted for specific purposes and classes of potential customers of the customer. Granting of a license for one purpose or one class of licensee shall not be construed as permission to release information to any other class of customer or for any other purpose. Licensees shall be responsible for the reasonable costs for auditing of their accounts by the State for the purpose of ascertaining whether the terms of the license have been complied with.

2) Council Data Product Categories

- A) Public Release Products
For the purposes of this Part, the Public DataSet, Patient Origin DataSet, and Custom Reports or DataSets based upon them are to be regarded as Public Release Products.
- B) Controlled Release Products
For the purposes of this Part, the Universal DataSet, Research Oriented DataSet, and Custom Reports or DataSets based upon them are to be regarded as Controlled Release Products.
- 3) Categories of Purchasers/Licensees and the Terms of Payment
 - A) Category I: Private and For-Profit Organizations and other entities which are not chartered by the State or Federal governments to fulfill general or specific government functions and which function in whole or in part for the benefit of the owners, members, or sponsors of the corporation or organization shall fall into this category. Such purchasers and applicants shall pay the full price set by the Council for the unit of product concerned.
 - B) Category II: Illinois General Assembly and the Executive Office of the Governor
In consideration of the public information mandate of the Council and the contribution of the General Revenue Fund to the activities of the Council, this category of purchaser shall receive Council reports and data products free of charge.
 - C) Category III: Illinois Government and Education
The units of Illinois State, county, and local government, as well as State-run educational institutions, shall be deemed to fall into this category. They shall be granted a 50% (fifty percent) discount from the rate made above for Category I customers. An exception to this Policy is that

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State of Illinois agencies (IDPH, IDPH, IDPH, etc.) shall receive existing agency data products free of charge. All other requests made by State of Illinois agencies will not be free. But shall be subject to the 50% discount. Other agencies shall be subject to the 50% discount. There is a working agreement between the Council and the requesting entity. When such an agreement is in effect, it shall govern the charge which shall be made to the requesting entity.

D) Category IV: Other Government, Education, and Non-Profit Organizations

The Federal government, governments of state and other political subdivisions outside of the State of Illinois, private educational institutions, and non-profit corporations shall be deemed to fall into this category. They shall be granted a 25% (twenty five percent) discount from the rate made above for Category I customers. Non-profit corporations which purchase or license:

(1) on behalf, either in whole or in part, or of for-profit entities shall not be deemed to be included in this category. Rather, such entities will be included in Category I. Exceptions to this policy may be made when there is a working agreement between the Council and a requesting entity. When such an agreement is in effect, it shall govern the charge which shall be made to the requesting entity.

E) Category V: Hospital Data Requests

Illinois hospitals requesting access to final edited claims information from the Council, for purposes other than the hospital review process as required by Statute, Rule, and agreement, may purchase this data from the Council. Prices for hospitals for other products shall be as put forth for Category I, except in cases in which other agreements may be in place.

The Council, acting upon the evidence presented, shall determine the category in which any given customer shall be placed.

4) Volume discounts

The Council shall provide for a 25% discount if a total of 4 quarters are ordered or applied for in the case of products for which the unit of product is a calendar quarter.

5) Category I Prices

Subject to discounts as set forth in subsections (g)(3) and (g)(4) above, customers shall pay all or part of the Class I fees set forth in the table below.

Product	Category I Price
Public DataSet (Tape)	\$1,500/quarter

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Public DataSet (Diskette/Region)
 Universal DataSet \$750/Region
 Research Origin DataSet \$2,000/quarter
 Patient Origin DataSet \$3,000/quarter
 Hospital Data Requests \$450/calendar year
 \$500/quarter
 \$800/quarter

6) Use for Additional Purpose Requires Additional Approval Fee
 The prices and discounts set forth in this Part pertain to all applications for use. A purchaser having once paid the appropriate fee for one use may re-apply for use for any other purpose and make payment as shown in this Part for the additional use.

7) Revisions in Pricing
 The Council will, from time to time, examine and may modify the prices set forth in this Part. All data products for the discharge time periods 1987 through 1991 shall be priced according to the original guidelines covering the period. All products for subsequent quarters shall be priced according to this Part.

8) Payment Terms
 Payment by check or money order is required at the time the order application is received. The Council shall not be required to release the data which the Council votes not to release until payment is received.

9) Council Not Required to Perform Studies
 While these Rules allow for applicants to request specific file formats and report layouts, the Council shall not accept applications to provide such unless it deems that it is in the best interest of the Council to do so, and analysis shall be provided by the Council only when the Council determines that the requester cannot reasonably be expected to derive the same result through purchase of an existing data product or customized Report or DataSet.

10) Data Review Request Fee Structure
 Data reviews requested by the Council will be processed as follows:

A) Simple requests
 Simple requests are inquiries that take less than three hours to complete, are reasonable in length and can be retrieved by staff from existing reports on their computers. Subject to other resource constraints, such requests shall be completed for consumers for personal use and for commercial entities as a one-time report. When the Council does determine that it will perform a non-standard study for a requester, the requester shall pay the Council's estimated direct costs with a surcharge of 35% for indirect costs in advance of the performance of the study.

B) Complex Requests

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These are "for fee" inquiries that exceed guidelines for Simple Requests, require programmer time to extract the information requested and are subject to other resource constraints. A \$50 non-refundable application fee must be submitted with each application. The \$50 application fee will be deducted from the final cost of the data should the applicant agree to accept IHCCC's charge proposal. The Council may grant exceptions to this policy when there is a working agreement between the Council and a requesting entity. When such an agreement is in effect, it shall govern the charge which shall be made to the requesting entity. In addition, at-the-discretion apply discounts to the charges assessed requesters of this sort of service will apply consistent with those set forth in subsection (a)(1)(ii). The charges for compiling the data will be based on the resources required to produce the request and are based on the table below.

Resources	Hours/Units	Cost Per Hour
Programming	1-5	\$ 80
Research	1	\$ 50
Administrative	1	\$ 20
Media*	1	\$ 10
CPU Usage**	1	\$255

*Media: 1 unit=disks, CD-ROM, Cartridge, Tape
 **CPU: 1 unit=seconds to process 1 quarter of data (approximately 0.75 seconds)

111) Pursuant to subsection (g)(1)(E) above, the Council may grant licenses to entities wishing to re-release data acquired from the Council or information derived therefrom. Such licenses are to be given for specified products and units of product. Licenses shall also be specific as to the purpose for which the data will be used by the licensee and those third parties to whom the licensee anticipates re-releasing information. Licenses for controlled release products shall be specific as to the class of third parties to whom the licensee may release the information. Having been granted permission for one product, unit of product, re-use or class of customer/third party, a licensee will need to re-apply and make additional payment for additional products, unit of product, purposes and classes of customers. In addition, product or unit of product, purpose and class of customer shall cite the Council as the source of the data and indicate to each customer (third party purchaser) how datasets, in part or in full, can be obtained directly from the Council.

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- A) Fee Basis
 Licensees shall be granted for a base fee to be paid by the licensee regardless of the number of third parties to whom the licensee intends to release the information, as well as per-customer fee for each customer. At the time of application for license, the prospective licensee shall state who the prospective customers are and pay the base fee and per-customer fees known at the time of application. Subsequently, the licensee shall pay the per-customer fee to the Council in advance of releasing information to the customer for each customer to whom the licensee releases information.
- B) Public and Controlled-Release Licenses
 Public and Controlled-Release Products may make the release to licensees, but not to the general public. In return, the Council and good standing with the Council in performance of stipulated responsibilities in the license agreement. Licensees of Controlled Release Products must also have advance Council permission for release to each individual customer, unless otherwise agreed to by the Council in the license agreement. In addition, re-release of National THCCOC datasets will be considered by the Council on a case by case basis.
- C) Base- and Per-Customer Fees by Product
 Subject--to-discounts-as-set-forth-in-subsections-(g)(1)-(ii) and (g)(4)-(ii) above--licensee-must-pay-at-or-part-of-the-base-fee-set-forth-in-this-part Per Customer Fees will be the greater of:
 1) 20% of the licensee's gross receipts; or
 2) 20% of the Council selling price for such data to the licensee.
 Per customer fees shall not be subject to \$1000-per-category--customer--with discounts as set forth in subsections (g)(3) and (g)(4) above based-upon--the-for-profit-status-of-the-individual-customer.
 12) Revisions in License Fees
 The Council will, from time to time, examine and may modify the fees set forth in this Part.
 A) On the effective date of this rulemaking, all licenses for the discharge time periods of 1987 through 1991 shall have the prices as set forth in this Part.
 B) The Council shall make fee changes for subsequent calendar years coincident with availability of data for the first quarter of the newest calendar year.
 C) Licensees for the first calendar year shall not apply to licensees already in force for prior discharge years.
 h) Basis of Charge for Other Services and Products of the Council
 1) Inpatient Discharge Data Quarterly Reports

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- A) The hardcopy version of these reports is to be made available on an annual (four quarter) subscription basis for \$75. Requests for all or part of quarterly reports which are made on an ad hoc as opposed to subscription basis shall be filled at a charge of \$25 per quarter.
- B) The diskette version of these reports is to be made available on an annual (four quarter) subscription basis for \$225. Requests for all or part of quarterly reports which are made on an ad hoc as opposed to subscription basis shall be filled at a charge of \$75 per quarter.
- C) Only the Category III discount to the Office of the Governor and the General Assembly is to be applied to these products.
- 2) Seminars, Colloquia, and Other Meetings
In order to offset the costs of presenting informational programs to the public and to Council constituencies, the Council may charge a fee to participants covering the reasonable costs of presentation materials and equipment, guest presenters' expenses, travel expenses of Council Staff, and meeting facilities. At the request of participants, the Council may also negotiate group rates for accommodations and amenities at such meetings and pass the cost and overhead along to participants in the fee charged for attendance.
- 3) DRG Analysis
- 4) All categorical and annual discounts shall apply to this product
- 5) To the extent that the General Assembly appropriates to the Council from the Special Studies Revolving Fund moneys sufficient to perform other services and provide other products not conflicting with the intent of the Health Finance Reform Act and Administrative Rules, the Council may provide such products and services for a fee. The fees to be assessed shall be reasonable in view of the value of services performed, shall be collected by methods and procedures approved by the Executive Director, and shall cover the full cost of providing the goods and services.
- (Source: Emergency amendment at 21 Ill. Reg. 12671, effective September 2, 1997, for a maximum of 150 days)

HEALTH FACILITIES PLANNING BOARD

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Health Facilities Planning Procedural Rules
- 2) Code Citation: 77 Ill. Adm. Code 1130
- 3) Section Numbers:
1130.140 Emergency Action
1130.520 Amendment
1130.560 Amendment
- 4) Statutory Authority: Illinois Health Facilities Planning Act (20 ILCS 3760)
- 5) Effective Date of Amendment(s): September 2, 1997
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: No
- 7) Date Filed in Agency's Principal Office: August 25, 1997
- 8) Reason for Emergency: In recent weeks, the Health Facilities Planning Board has received several inquiries and complaints concerning changes in the control of hospitals and the inability of the public to obtain information concerning such changes. In some instances, it appears that hospitals have transferred control of assets and operations without notice being given to members of the community. Failure to disclose or to give notice to the community of such changes could potentially result in significant changes in the delivery of health care services. The State Board of Health Illinois hospitals are not-for-profit institutions which have been developed and supported by their communities and are regarded as community assets. The State Board believes that failure to inform the public of possible changes of hospital ownership may result in a potential threat to the public's health and welfare because the change in a hospital's control may result in significant reductions in availability and accessibility to health care services. The emergency amendments clarify existing certificate of need hospital change of ownership requirements and provide an opportunity for a public hearing prior to the sale or transfer of ownership or control of a hospital. The public hearing affords the community the opportunity to learn of and to be advised of the potential impact of a change in ownership.
- 9) A Complete Description of the Subjects and Issues Involved: The Illinois Health Facilities Planning Board requires that prior to any person acquiring, or entering into a contract to acquire, an existing health facility, a person must submit an application for exemption and receive approval from the State Board. Current regulations regarding a change of ownership for health care facilities require an exemption when the change in ownership results in a change in the person who has operational control (usually the entity that holds the license) of a health care facility.

HEALTH FACILITIES PLANNING BOARD

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The State Board has recently been made aware that several hospitals in Illinois have been acquired but exemptions were not obtained because the operational control remained intact even though the control of the health care facility's physical plant and related assets changed. For example, Hospital A's physical plant and related assets are acquired by Entity B and/or the governing board which oversees the facility is changed so that it is under the control of Entity B. The operational control (i.e., the entity which holds the license), however, did not change. Under current regulations, an exemption from the State Board is not required. When the State Board becomes aware of the acquisition, it is required to determine if the health care facility is located in the State and if the acquisition leaves the public at a disadvantage and unaware of how the change could affect future health care services. The State Board believes that a change in control of a health care facility's assets or governance is a change of ownership and that an exemption is required. The emergency amendments modify the current definition of change of ownership to require an exemption whenever there is a change in the control of a facility's operation or assets. The State Board notes that the proposed amendments will impact only hospital changes of ownership, of which there have been an average of fewer than six a year. The new requirements mandate that the proposed new owner conduct a public hearing in the community in order to afford the public an opportunity to comment and to learn of the anticipated effects of the change of ownership. The State Board does not believe there will be a substantial cost impact upon the acquiring entity with respect to conducting and transcribing the public hearing proceedings.

10) Are there any proposed amendments to this Part pending? No

11) Statement of Statute Policy Objectives: The purpose of the Illinois Health Facilities Planning Act is to establish a procedure designed to contain health care costs by preventing unnecessary construction or modification of health care facilities. These emergency amendments to Part 1130 will promote the statute's purpose of improving the "ability of the public to obtain necessary health services" and "establish an orderly and comprehensive health care delivery system which will guarantee the availability of quality health care to the general public."

12) Information and questions regarding this rule shall be directed to:

Donald Jones
Illinois Health Facilities Planning Board
525 West Jefferson Street, 2nd Floor
Springfield, IL 62761
217-782-3516
217-785-4308 FAX

The full text of the emergency amendments begin on the next page:

HEALTH FACILITIES PLANNING BOARD

NOTICE OF EMERGENCY AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER 11: HEALTH FACILITIES
PLANNING BOARD
SUBCHAPTER b: OTHER BOARD RULES

PART 1130

HEALTH FACILITIES PLANNING PROCEDURAL RULES

SUBPART A: AUTHORITY, PURPOSE AND DEFINITIONS

Section
1130.110 Statutory Authority/Applicability
1130.120 Public Hearings
1130.130 Purpose
1130.140 Definitions
EMERGENCY
1130.150 Incorporated Materials

SUBPART B: WHO IS SUBJECT TO THE HEALTH FACILITIES PLANNING ACT

Section
1130.210 Persons Subject to the Act
1130.220 Necessary Parties to the Application for Permit or Exemption

SUBPART C: TRANSACTIONS SUBJECT TO REVIEW

Section
1130.310 Transactions Subject to Review

SUBPART D: TRANSACTIONS WHICH ARE EXEMPT FROM REVIEW

Section
1130.410 Transactions Which Are Exempt from Review

SUBPART E: PROCEDURAL REQUIREMENTS FOR EXEMPTIONS

Section
1130.510 Requirements for Exemptions Involving the Acquisition of Major Medical Equipment
1130.520 Requirements for Exemptions Involving the Change in Ownership of a Health Care Facility
EMERGENCY
1130.530 Requirements for Exemptions Involving Health Maintenance Organizations (Repealed)
1130.540 Requirements for Exemptions Involving Involuntary Discontinuation
1130.550 Agency Processing of an Application for Exemption
1130.560 State Board Action
EMERGENCY
1130.570 Validity of an Exemption

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Section	
1130.610	Duration of the Review Period and Time Frames
1130.620	Consultation, Classification and Completeness Review
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Section	
1130.810	Declaratory Rulings
APPENDIX A	Annual Inflation Adjustments to Review Thresholds
AUTHORITY:	Implementing and authorized by the Illinois Health Facilities Planning Act [20 ILCS 3960].

SOURCE: Adopted at 14 Ill. Reg. 7183, effective May 1, 1990; emergency amendment at 15 Ill. Reg. 4787, effective March 18, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 9731, effective June 17, 1991; emergency amendments at 16 Ill. Reg. 13153, effective August 4, 1992, for a maximum of 150 days; emergency expired January 1, 1993; amended at 17 Ill. Reg. 4448, effective March 24, 1993; amended at 17 Ill. Reg. 5882, effective March 26, 1993; amended at 19 Ill. Reg. 2972, effective March 1, 1995; reclassified at 20 Ill. Reg. 2597; expedited correction at 21 Ill. Reg. 3753, effective March 1, 1995; emergency amendment at 21 Ill. Reg. ~~12671~~, effective September 2, 1997, for a maximum of 150 days.

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SUBPART A: AUTHORITY, PURPOSE AND DEFINITIONS

Section 1130.140 Definitions

EMERGENCY

Definitions pertaining to program components can be found in the "Act" and in 77 Ill. Adm. Code 1100 and 1110. Definitions which will assist in the understanding of this Part are presented below.

a) Acquisition or Change of Ownership means a change in the person who has operational control of an existing health care facility or a change in the person who has ownership or control of a health care facility's physical plant and capital assets. Acquisition or change of ownership is indicated by, but not limited to the following transactions:

- 1) a transfer of stock or assets resulting in a person obtaining majority interest (i.e. over 50%) in the person who is licensed or certified (if the facility is not subject to licensure), or in the person who owns or controls the health care facility's physical plant and capital assets; entity--within-a-one-year period of
 - 2) the issuance of a license by the Agency to a person different from the current licensee; or
 - 3) the issuance of a provider number to a different person by certification agencies which administer Titles XVIII and XIX of the Social Security Act; or
 - 4) a change in the membership or sponsorship of a not-for-profit corporation or a change of 50% or more of the voting members of a not-for-profit corporation's board of directors during any consecutive 12 month period which controls a health care facility's operations, license, certification or physical plant and capital assets; or
 - 5) a change in the sponsorship or control of the person who is licensed, certified, or owns the physical plant and capital assets of a governmental health care facility; or
 - 6) a change in the control of a person obtaining control of health care facility's operations or physical plant and capital assets.
- AGENCY NOTE: A permit or exemption is required prior to the acquisition or change of ownership of a health care facility and prior to any person entering into a binding or enforceable contract to acquire an existing health care facility.
- b) Alteration means any revision or change to a project as detailed in the application that occurs after State Board approval of the permit. Components which can be altered include size, number of beds, scope of services to be provided, cost or method of financing. The site of the proposed project or the person(s) who is (are) the permit holder cannot be altered.
- c) Applicant means a person(s) who applies for a permit or exemption.

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- d) Capital expenditure means an expenditure made by or on behalf of a health care facility (as such a facility is defined in this Act); and which under generally accepted accounting principles is not properly chargeable as an expense of operation and maintenance, or is made to obtain by lease or comparable arrangement any facility or part thereof or any equipment for a facility or part; and which exceeds the capital expenditure minimum. The cost of any studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition, improvement, expansion, or replacement of any plant or equipment with respect to which an expenditure is made shall be included in determining if such expenditure exceeds the capital expenditure minimum. Donations of equipment or facilities to a health care facility which if acquired directly by such facility would be subject to review under this Act shall be considered capital expenditures. The cost of equipment or facilities transferred to a health care facility shall be considered capital expenditure if a fair market value shall be considered at fair market value would be subject to review. (Section 3 of the Act)
- e) Capital Expenditure Minimum means the dollar amount or value which would require a permit for capital projects and major medical equipment. Capital expenditure minimums are annually adjusted to reflect the increase in construction costs due to inflation per Section 1130.310.
- f) Certified or Certification means approval for a facility to receive reimbursement under Title XVIII and/or XIX of the Social Security Act (42 U.S.C.A. 1395x).
- g) Completion or Project Completion means that the project has been brought to a conclusion, and that the finished project is in accordance with what the State Board authorized and limited to total capital expenditures. It includes the right to amend or modify the discontinuation of facility or of a category of service, the date the last patient is discharged or the date the permit for discontinuation is issued whichever comes later; or
- h) for projects with no cost that are limited to a substantial change in beds (pursuant to Section 1100.220) in licensed long-term care facilities (pursuant to 77 Ill. Adm. Code 1100.220), the date the Agency issues a revised license; or
- i) for projects with no cost that are limited to a substantial change in beds (pursuant to 77 Ill. Adm. Code 1100.220) in licensed hospitals or in state-operated facilities, the date the Agency receives a revised physical plant survey or the date of permit issuance which ever is later; or
- j) for projects limited to the establishment of a category of service, the date the first patient is treated or the date the Agency receives a report of final realized cost, whichever is later; or
- k) for projects limited to the establishment of a health care facility, the date the health care facility is licensed or the

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- date the Agency receives a report of final realized cost, whichever is later; or
- 6) for projects limited to the acquisition of major medical equipment, the date the Agency receives a report of final realized cost or the date the equipment is utilized to treat the first patient, whichever is later; or
- 7) for all other projects including modernization of existing facilities, the date the Agency receives a report of final realized costs; or
- 8) for projects not in accordance with what the State Board authorized, including projects with cost overruns, the date the State Board determines the project is complete.
- h) Consolidation means the combination of two or more existing health care facilities into a new health care facility terminating the existence of the existing or original facilities (A + B = C). Consolidation results in the establishment of a health care facility existing in the same location and in the discontinuation of the existing facilities. The consolidation is binding on the license for facilities subject to licensure or the loss of certification for facilities not subject to licensure. In example, consolidation becomes reviewable only when a new facility with a new license will be established due to the consolidation. In this case the A and B facilities which consolidate are reviewed for discontinuation and the new licensed facility C is reviewed for establishment. It is this discontinuation and establishment which creates the need for review.
- i) Control means a person possesses any of the following discretionary and non-ministerial rights or powers: (1) the right or power to approve and to remove without cause a controlling portion of the governing body of another person; or (2) the right or power to require or approve the use of funds or assets of another person for any purpose; or (3) the right or power to approve, amend, or modify the health care facility's policies or other rules of discipline, erection, building, alteration, reconstruction, modernization, improvement, extension, discontinuation, change of ownership or by a health care facility, or the purchase or acquisition by or through a health care facility of equipment for diagnostic or therapeutic purposes or for facility administration or operation or any capital expenditure made by or on behalf of a health care facility which exceeds the capital expenditure minimum. (Section 3 of the Act)
- k) Discontinuation means to cease operation of an entire health care facility or category of service. Discontinuation includes a determination by the State Board that:
- 1) a category of service has not been utilized for its intended purpose for a period of twelve months or more; or
 - 2) a category of service approved after January 1, 1992 is not operating at utilization standards/target occupancy rates specified in 77 Ill. Adm. Code 1100, for that category of

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service, by the end of the second year of operation after project completion and on average for two years thereafter (based upon data reported by the facility to the State Agency pursuant to Section 13 of the Act), and that need no longer exists in the planning area based upon the existence of such factors as, but not limited to, access to other services in the planning area, excess service capacity in the planning area, and the facility's ability to adequately staff the existing service;

- 3) an existing category of service is not operating at utilization standards/target occupancy rates specified in 77 Ill. Adm. Code 1100, for that category of service, on average for any two-year period commencing on January 1, 1995 and thereafter (based upon data reported by the facility to the State Agency pursuant to Section 13 of the Act), and that need no longer exists in the planning area based upon the existence of such factors as, but not limited to, access to other services in the planning area, excess service capacity in the planning area, and the facility's ability to adequately staff the existing service.

1*) Due Diligence means to take such actions toward the completion of a project for which a permit has been granted with that diligence and foresight which persons of ordinary prudence and care commonly exercise under like circumstances. An accidental or unavoidable cause which cannot be avoided by the exercise of due diligence in the meaning of this rule is a cause which reasonable prudent and careful persons, under like circumstances, do not and would not ordinarily anticipate, and whose effects under similar circumstances they do not and would not ordinarily avoid.

2*) Establish or Establishment means the construction of a health care facility or the replacement of an existing facility on another site, consolidation of two or more existing facilities into a new facility, or the replacement of a facility with another facility.

3*) Existing Health Care Facility means any facility subject to the Act which:

- 1) has a license issued by the Agency and has provided services within the past 12 months, unless the failure to provide such service is the result of pending license revocation procedures, and has not surrendered or abandoned its license or had its license revoked or voided or otherwise deemed invalid by the Agency; or

- 2) is certified under Titles XVIII or XIX of the Social Security Act; or

- 3) is a facility operated by the State of Illinois.

AGENCY NOTE: Projects for which permits have been granted but which are not complete pursuant to subsection (9) of this Section shall not be considered existing facilities, but the approved number of beds or services shall be recorded in the inventory of Health Care Facilities maintained by the Agency and shall be counted against any applicable

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need estimate.

gm) Final Decision or Final Administrative Decision or Final Determination means:

- 1) the decision by the State Board to approve or deny an application for permit. Action taken by the State Board to deny an application for permit is subsequent to an administrative hearing or to the waiver of such hearing; or
- 2) the decision by the State Board on all matters other than the issuance of a permit.

3) The decision is final at the close of business of the State Board meeting at which the action is taken.

gp) Final Realized Costs are those costs of construction, modernization or equipment that have been incurred to complete a project for which a permit was granted. These costs include all expenditures and the dollar or fair market value of any component of the project whether incurred, the value of the land or gift.

gq) Major Construction Projects means:

- 1) Projects for the construction of new buildings;
- 2) Additions to existing facilities; and
- 3) Modernization projects whose cost is in excess of \$1,000,000 or ten percent of the facility's operating revenue, whichever is less. (Section 5 of the Act)

er) Major medical equipment means medical equipment which is used for the provision of medical and other health services and which costs in excess of the capital expenditure minimum, except that such term does not include medical equipment acquired by or on behalf of a clinical laboratory to provide clinical laboratory services if the clinical laboratory is independent of a physician's office and a hospital and it has been determined under Title XVIII of the Social Security Act that such equipment is necessary to meet the requirements of paragraphs (10) and (11) of Section 1461(S) of the Act. The value of the capital expenditure minimum equipment has a value in excess of the capital expenditure minimum, the value of studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition of such equipment shall be included. (Section 3 of the Act)

fs) Merger means the absorption of one or more existing health care facility into another existing health care facility. The result of the absorption is that only one facility survives (A + B = B). Merger results in the modification (e.g., expansion of beds or services) of the survivor facility and the discontinuation of the facility being absorbed.

ft) Modification of an Application or Modification

- 1) Modification of an Application or Modification means any change to a proposed project during the review period (i.e., prior to final State Board action) which results in changing the proposed project's physical action) which results in changing the proposed project's physical size or gross square feet, the site within a planning area, the operating entity, design, operating entity, or not the applicant, the number of proposed beds, the categories of

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service to be provided, the cost, the method of financing, or the acquisition of space within the building.

- 2) CONSTRUCTION means the building, reconstruction, or change in site or location of the building, or the addition, deletion, or change in use of space within the planning area originally identified in the application are not considered modifications and, if either occurs, the application is void.

3) Notification of State Board Action means the transmittal of State Board decisions to the applicant or permit holder. Notification shall be given to the applicant's or permit holder's designated contact person, legal representative or chief executive officer.

4) Obligation means receipt by the Executive Secretary of documents verifying one of the following:

- 1) that the project is to be accomplished through the execution of binding enforceable contract(s), including lease agreements, to expend an amount exceeding the State Board's review thresholds for capital expenditures or acquisition of major medical equipment or by an amount equal to or greater than 33 percent of the permit amount, whichever is less, and that the permit holder has a binding enforceable financial commitment to the project;
- 2) that the project is to be done internally or by permit holder and has been authorized by the governing body through the release of funds to expend 33 percent or more of the permit amount or an amount exceeding the capital expenditure minimum, whichever is less; or
- 3) that the project has no cost and has been completed in accordance with subsection (g) above.

AGENCY NOTE: Prior to signing principal contracts or to otherwise obligating the project, the permit holder is required to obtain an authorization to obligate pursuant to Section 11-3.7 of the Illinois Health Care Planning Act.

- 4) Project Commitment Date means the date the permit holder executes binding enforceable contracts to expend an amount which exceeds the capital expenditure minimum or at least 33 percent of the permit amount, whichever is less.

AGENCY NOTE: For projects not undertaken by contract, the project commitment date is the date the permit holder's governing body authorizes or releases funds to expend an amount which exceeds the capital expenditure minimum or at least 33 percent or more of the permit amount, whichever is less. If a project has no cost the project commitment date is the date of project completion.

5) Proposal or Project means any proposed construction or modification of a health care facility or any proposed acquisition of equipment to be undertaken by an applicant.

6) Review Period means the time from the date an application for permit is deemed complete until the State Board renders its final decision.

7) Site means the physical location of a proposed project and is

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identified by address or legal property description.

8) AGENCY NOTE: Substantially changes the bed count of a health care facility means construction or modification, including acquisition of equipment, which changes the bed capacity of a health care facility by increasing the total number of beds or by distributing beds among various categories of service or by relocating beds from one physical facility or site to another by more than 10 beds or more than 10% of total bed capacity as defined by the State Board, whichever is less, over a two year period. (Section 5 of the Act) The two year period begins on the date when additional beds added to the facility inventory become operational. When a permit is granted which will result in a change in bed capacities, the applicant facility may not add any more beds in those services affected by the permit for two years from the date that such beds become operational without obtaining an additional permit from the State Board. The facility may add beds (as long as the number added does not exceed 10 beds or 10% of the total facility bed capacity) to the facility inventory if the total facility bed capacity is not affected by the permit. Each facility will be contacted annually to verify bed inventory. If there is found, through this verification process, an increase in the calculated bed capacity of the facility, the State Agency shall determine the date the two year period begins. The date shall be published in the next available compilation of the Inventory of Health Care Facility and Need Determinations by Planning Area.

AGENCY NOTE: The discontinuation (reduction) of beds requires notice to the State Agency. The effective date of the bed reduction can be no earlier than the date of the State Agency's receipt of the bed reduction notice. It should also be noted that all proposed capital expenditures (including those which do not substantially change the bed capacity) in excess of the capital expenditure minimum require a permit, regardless of the purpose or nature of the project or permit. In addition, those projects which exceed the capital expenditure minimum, including those with no capital expenditure, also require a permit if the project or transaction is for a substantial change in the facility's bed capacity.

9) Substantially changes the scope or changes the functional operation of the facility means:

- 1) establishing an additional category as defined in Part 1100.220;
- 2) discontinuation as defined in Section 1130.140(j);
- 3) a change of a material representation made by the applicant in the "Application for Permit" subsequent to receipt of a permit which is relied upon by the State Board in making its decision.

Material representations are those which provide a factual basis for issuance of a permit and include:

- A) withdrawal or non-participation in the Medicare and/or Medicaid programs;
- B) change in ownership;
- C) requirements of variances pursuant to 77 Ill. Adm. Code

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- 1110-530(b); 1110-630(b); 1110-730(d); 1110-1330(i); 1110-1430(c); and 1110-1730(d); to the State Board as stipulated
- D) other representations made to the State Board as stipulated
- 4) In the permit letter, specialty for an ambulatory surgical treatment center has not previously approved; or
- 5) an increase of more than three dialysis stations or more than 10% of the facility's total number of dialysis stations, whichever is less, over a two-year period. The two-year period begins on the date the facility's additional stations are certified. When a permit is granted for additional stations or for the establishment of an additional facility/service, the facility may not add any more dialysis stations for two years from the date that such stations approved in the permit are certified without obtaining an additional permit.

AGENCY NOTE: All proposed capital expenditures (including those which do not substantially change the scope) in excess of the capital expenditure minimum for the project or transaction, regardless of the purpose or nature of the project or transaction. However, it shall be noted that proposals from the capital expenditure minimum or less including those with no capital expenditure, also require a permit if the project or transaction is for a substantial change in the facility's scope or functional operation.

(Source: Emergency amendment at 21 Ill. Reg. 12671, effective September 2, 1997, for a maximum of 150 days)

SUPPORT E: PROCEDURAL REQUIREMENTS FOR EXEMPTIONS

Section 1130-520 Requirements for Exemptions Involving the Change in Ownership of a Health Care Facility

EXEMPTIONS.

- a) Submission of Application for Exemption
- Prior to any person acquiring or entering into a contract to acquire an existing health care facility, the person must submit an application for exemption to the State Board, submit the required application processing fee, and receive approval from the State Board.
- b) Application for Exemption Information
- Application for exemption shall be approved pursuant to Section 1130-560 when the following information is submitted:
- 1) the name and address of the person proposing to acquire the facility;
 - 2) the name and location of the existing health care facility to be acquired;
 - 3) a signed certification that the categories of service and number of beds as reflected in the Inventory of Health Care Facilities

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maintained by the Agency will not substantially change (per definition in Section 1130-140):

- 4) documents which detail conditions and terms of any lease or purchase arrangement;
- 5) financial information, the latest audited financial statements of the applicant and which will be used to acquire the facility;
- 6) the anticipated acquisition price and the fair market value of the facility being acquired (determination of fair market value is stipulated by Section 1130-40(b));
- 7) proof of publication of the required legal notice of the change of ownership (as required by Section 1130-520(c));
- 8) a statement acknowledging that the change of ownership will void any permits for projects which have not been completed; and
- 9) documentation from the Illinois Secretary of State that the legal entity that is the exemption applicant is registered to conduct business in Illinois and is in good standing;
- 10) certification that the acquisition or purchase agreement has not yet been entered into or executed;
- 11) certification that any projects for which permits have been issued have been completed or will be completed and altered prior to the effective date of change of ownership; and
- 12) certification of the transcript of the hearing and copies of all exhibits, documents and other written materials presented at the hearing if the change of ownership is for a hospital.

c) Legal Notice Requirements

Any person requesting an exemption for a change of ownership must publish a legal notice in a newspaper of general circulation in the community in which the facility is located. This legal notice must provide the following:

- 1) the name and address of the facility for which the exemption is sought;
- 2) the name and address of the applicant entity requesting the exemption;
- 3) the nature of the transaction (e.g., the purchase, lease, or transfer of stock of the licensed entity);
- 4) when the entity which will be assuming ownership of the facility is a wholly owned subsidiary of another corporation, the name and address of the parent firm;
- 5) a statement of the categories of service and beds currently provided by the facility, to be maintained and
- 6) if the change of ownership is for a hospital, an announcement of a public hearing containing the information requirements of this Section; and
- 7) a name, title, address and phone number of an individual from whom interested parties may obtain information on the proposed transaction.

d) Public Hearing Requirements for Hospital Changes of Ownership

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Chairman--acting-on-behalf-of--the--State--Board--shall--review applications--for--exemption--for--a--change--of--ownership--submitted pursuant-to-this-Section--and--shall--approve--such--applications--if--the requirements-of-subsections-(b)-and-(c)-of-this-Section--are--met: Any person requesting an exemption for a change of ownership of a hospital must conduct a public hearing in the community in which the hospital is located. The hearing shall be held at a place of reasonable size and accessibility shall be made. The applicant shall transcribe the proceedings and shall be made. The applicant shall include in the legal notice required in this Section the following information:

- 1) a statement as to the anticipated benefits of the proposed change in ownership to the community;
- 2) the anticipated or potential cost savings, if any, that will result for the community and the facility as a result of the change in ownership;
- 3) a description of the mechanism that will be utilized to assure quality control;
- 4) a description of the applicant's organizational structure to include a listing of controlling or subsidiary persons;
- 5) a description of the selection process that the acquiring entity will utilize in selecting the hospital's board of directors;
- 6) the location, time, and date of the hearing which shall be no later than 10 days or more than 30 days from the date of publication of the legal notice; and
- 7) a statement that the hearing has been held at a public meeting at which present and potential persons wishing to present written or oral comments.

e) A permit or exemption cannot be transferred. In the event of an acquisition of a health care facility prior to the completion of an approved project, it is the responsibility of the permit holder to seek State Board approval to alter the permit to reflect only that construction or modification which will be completed at the time ownership of the facility transfers to another person. Failure to obtain an alteration approval will result in the totality of the permit being considered abandoned. Any person requesting an exemption for a change of ownership of a health care facility for which an outstanding permit exists must in the case where a permit has been altered to avoid abandonment, submit documentation in accordance with the provisions of Section 1130.750 to detail as to the scope and costs associated with completing the project as originally proposed. The Agency shall advise the applicant for exemption of this requirement. Agency shall advise the applicant for exemption if a permit is required under Section 1130.310. A permit is required if the remainder of the project meets the review conditions specified in Section 1130.310.

(Source: Emergency amendment at 21 Ill. Reg. 12671, effective September 2, 1997 for a maximum of 150 days)

HEALTH FACILITIES PLANNING BOARD

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Section 1130.560 State Board Action

EMERGENCY

- a) The approval of an application for exemption subject to review by the State Board requires eight separate affirmative votes.
- b) The Chairman, acting on behalf of the State Board, shall review and recommend to the State Board for a change of ownership submitted pursuant to this Section and may refer applications to the State Board for action or approve such applications if the applicable requirements of this Subpart are met.
- c) The State Board shall evaluate the application for exemption and either issue an exemption or advise the applicant in writing that the application is denied and is not in compliance with exemption requirements explain the reasons for the denial. The State Board shall approve all applications for exemption if the applicable conditions of this Subpart Section 1130.540 or Section 1130.550 are met. Exemptions will not be issued for projects under Section 1130.550 or Section 1130.559 as applicable. An exemption for a change of ownership shall not be granted for a project to establish a health care facility which has received a permit but which has not been completed.

(Source: Emergency amendment at 21 Ill. Reg. 12671, effective September 2, 1997, for a maximum 150 days).

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT(S)

- 1) Heading of the Part: Meat and Poultry Inspection Act
- 2) Code Citation: 8 Ill. Adm. Code 125
- 3) Section Numbers: Peremptory Action:
125.270 Amended
125.390 Amended
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which requires this Peremptory Rulemaking: The Meat and Poultry Inspection Act (21 U.S.C.A. 601) and the Federal Meat Inspection Act (21 U.S.C.A. 661); Federal Poultry Products Inspection Act (21 U.S.C.A. 454); and 62 FR 33744.
- 5) Statutory Authority: The Meat and Poultry Inspection Act [225 ILCS 650].
- 6) Effective Date: August 28, 1997

7) A Complete Description of the Subjects and Issues Involved: In order to maintain an "equal to" status with the Federal meat and poultry products inspection programs as required by the Federal Meat Inspection Act, the Federal Poultry Products Inspection Act, and in compliance with Section 16 of the Meat and Poultry Inspection Act, changes in the federal rules relative to meat and poultry products inspection are hereby adopted.

The Food Safety and Inspection Service (FSIS) is amending the Federal meat and poultry products inspection regulations "to permit the use of sodium acetate at the level of 0.12 percent of the product formulation and sodium diacetate at the level of 0.1 percent of the product formulation as flavoring agents in meat and poultry products". The federal regulations being amended are 9 CFR Part 318.7(c)(4) and 9 CFR 381.147(f)(4), effective August 22, 1997. The amendments appear in the June 23, 1997 *Federal Register* on page 33744.

- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed in Agency's Principal Office: August 27, 1997
- 10) This rule is in compliance with Section 5.02 of the Illinois Administrative Procedure Act.
- 11) Are there any proposed amendments pending to this Part? No
- 12) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local governments.
- 13) Information and questions regarding this adopted amendment shall be directed to:

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT(S)

Debbie Wakefield
Illinois Department of Agriculture
State Fairgrounds, P.O. Box 19281
Springfield, Illinois 62794-9281
217/785-5713
Facsimile: 217/785-4505

The full text of the Peremptory amendment begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF PERMPTORY AMENDMENT(S)

TITLE 8: AGRICULTURE AND ANIMALS

CHAPTER 1: DEPARTMENT OF AGRICULTURE

SUBCHAPTER C: MEAT AND POULTRY INSPECTION ACT

PART 125

MEAT AND POULTRY INSPECTION ACT

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POULTRY INSPECTION

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125.20	Application for License; Approval
125.30	Official Methods
125.40	Inspections; Suspension or Revocation of License
125.50	Administrative Hearings; Appeals (Repealed)
125.60	Assignment and Authority of Program Employees
125.70	Schedule of Operations; Overtime
125.80	Official Marks of Inspection, Devices and Certificates
125.90	Records and Reports
125.100	Exemptions
125.110	Disposal of Dead Animals and Poultry
125.120	Reportable Animal and Poultry Diseases
125.130	Detention; Seizure; Condemnation
125.140	Sanitation Standard Operating Procedures (SOP's)
125.141	Hazard Analysis and Critical Control Point (HACCP) Systems
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SUBPART B: MEAT INSPECTION

Section	Livestock and Meat Products Entering Official Establishments
125.150	Equine and Equine Products
125.160	Facilities for Inspection
125.170	Sanitation
125.180	Ante-Mortem Inspection
125.190	Post-Mortem Inspection
125.200	Disposal of Diseased or Otherwise Adulterated Carcasses and Parts
125.210	Humane Slaughter of Animals
125.220	Handling and Disposal of Condemned or Other Inedible Products at Official Establishment
125.230	Removal or Other Disposal of Carcasses and Parts Passed for Cooking
125.240	Labeling, Marking and Containers
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125.260	Entry Into Official Establishment; Reinspection and Preparation of Product
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125.280	Meat Definitions and Standards of Identity or Composition

DEPARTMENT OF AGRICULTURE

NOTICE OF PERMPTORY AMENDMENT(S)

TITLE 8: AGRICULTURE AND ANIMALS

CHAPTER 1: DEPARTMENT OF AGRICULTURE

SUBCHAPTER C: MEAT AND POULTRY INSPECTION ACT

PART 125

MEAT AND POULTRY INSPECTION ACT

Section	Application of Inspection Facilities for Inspection
125.310	Sanitation
125.320	Operating Procedures
125.330	Ante-Mortem Inspection
125.340	Post-Mortem Inspection
125.350	Disposal of Diseased or Otherwise Adulterated Carcasses and Parts
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125.370	Handling and Disposal of Condemned or Other Inedible Products at Official Establishment
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125.390	Labeling, Marking and Containers
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125.410	Definitions and Standards of Identity or Composition
125.420	Transportation; Sale of Poultry or Poultry Products
125.430	

AUTHORITY: Implementing and authorized by the Meat and Poultry Inspection Act (225 ILCS 650) and Section 16 of the Civil Administrative Code of Illinois (20 ILCS 5/16).

SOURCE: Adopted at 9 Ill. Reg. 1782, effective January 24, 1985; peremptory amendment at 9 Ill. Reg. 2337, effective January 28, 1985; peremptory amendment at 9 Ill. Reg. 1980, effective April 1, 1985; peremptory amendment at 9 Ill. Reg. 1111, effective April 1, 1985; peremptory amendment at 9 Ill. Reg. 10102, effective June 5, 1985; peremptory amendment at 9 Ill. Reg. 10102, effective June 13, 1985; peremptory amendment at 9 Ill. Reg. 11673, effective July 17, 1985; peremptory amendment at 9 Ill. Reg. 13748, effective August 23, 1985; peremptory amendment at 9 Ill. Reg. 15755, effective October 2, 1985; peremptory amendment at 9 Ill. Reg. 19759, effective December 5, 1985; peremptory amendment at 10 Ill. Reg. 447, effective December 23, 1985; peremptory amendment at 10 Ill. Reg. 1307, effective January 7, 1986; peremptory amendment at 10 Ill. Reg. 3318, effective January 24, 1986; peremptory amendment at 10 Ill. Reg. 3880, effective February 7, 1986; peremptory amendment at 10 Ill. Reg. 11478, effective June 25, 1986; peremptory amendment at 10 Ill. Reg. 14858, effective August 22, 1986; peremptory amendment at 10 Ill. Reg. 15305, effective September 10, 1986; peremptory amendment at 10 Ill. Reg. 16743, effective September 19, 1986; peremptory amendment at 10 Ill. Reg. 17120, effective November 15, 1986; peremptory amendment at 10 Ill. Reg. 19818, effective November 12, 1986; peremptory amendment at 11 Ill. Reg. 1696, effective January 5, 1987; peremptory amendment at 11 Ill. Reg. 2930, effective January 23, 1987; peremptory amendment at 11 Ill. Reg. 9645, effective April 29, 1987; peremptory amendment at 11 Ill. Reg.

DEPARTMENT OF AGRICULTURE

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- d) Docke and receiving rooms for meat and/or meat products or other articles used in the preparation of these products shall be inspected and approved by the inspector before the products enter an official establishment shall be received there. The inspector, if the location of such docks or receiving rooms will not permit such product or article to pass through rooms containing inspected and passed products.
- e) The manner of defrosting frozen products and methods of treating to preserve products shall be in accordance with procedures as set forth in the "Meat and Poultry Inspection Manual" as adopted in Section 125.20.
- f) Castings or vealand shall be inspected and passed if it is in compliance with the specific provisions as stated in 9 CFR 318.5(i) for passage of such articles.
- g) The Department does not approve new substances to be used on meat or in meat products, their uses or the levels of use of an approved substance. Such substances will be permitted to be used and artificial flavoring may be used, if they are approved by the Department and the product in accordance with Section 2.11 of the Act and are in compliance with the provisions of this Section.
- h) References to exemptions from slaughter and custom slaughter shall mean those exemptions set forth in Section 125.110.
- i) References within the incorporated language to the Federal Poultry Inspection Act, Section 403 of the Act, Section 7 of the Act, 9 CFR 303, and paragraph 23(a) of the Act shall be interpreted to mean in accordance with the Meat and Poultry Inspection Act and the rules of this Part.
- j) The Department does not approve thermometers for use in smokehouses, dry rooms and other compartments that are used in the treatment of pork.
- k) Disinfectants shall be those as set forth in Section 125.180.
- l) All products shall be inspected and passed before the use of vacuum gauges.
- m) Canned products which have been processed without the use of vacuum shall be those products as stated in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.
- n) The inspector shall permit lots of canned product to be shipped from the official establishment prior to the completion of the incubation period on the representative samples in accordance with the specific provisions in 9 CFR 318.309.
- o) The standards and procedures for determining when ingredients of finished products are in compliance with this Section shall be as set forth in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.

(Source: Permissory amendment at 21 Ill. Reg. 12692, effective AUG 2, 1997)

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Section 125.390 Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements

- a) The Department incorporates by reference 9 CFR 381.145(b) through 381.148, 381.49, 381.50 through 381.151, 381.200, 381.300 through 381.311 (1997) 62, 322, effective August 22, 1997).
- b) No poultry or poultry products shall be brought into an official establishment unless it is inspected and passed by the official establishment or in a federally licensed establishment and is identified by an official inspection legend as established in Section 125.90, the Federal Inspection Legend, or is exempt from inspection as stated in Section 125.110. However, poultry or poultry products imported into the United States may be transported to an inspection site in accordance with the provisions of 9 CFR 381.200 for reinspection.
- c) Poultry and poultry products received in an official establishment during the absence of the inspector shall be identified as set forth in Section 125.160 and, unless exempt from inspection, shall not be used or prepared until they have been reinspected. Any poultry and/or poultry products originally prepared at an official establishment may not be returned to any part of such establishment other than the receiving area until it has been reinspected and passed by the inspector.
- d) The official establishment shall maintain an inventory of non-poultry items (e.g., spices, preservatives) which are received at the official establishment. Any product that is brought on the premises of an official establishment contrary to the provisions of this Section shall be removed immediately from such establishment by the operator of the establishment.
- e) Reinspections of poultry and/or poultry products within the official establishment shall be performed through the use of a random digit table.
- f) The feet shall be approved for processing for human food in accordance with the procedures set forth in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.
- g) The Department does not permit substances to be used on poultry or in poultry products, their uses or levels of use of an approved substance. Such substances will be permitted to be used and artificial flavoring may be used, if they are approved by the Department and the product in accordance with Section 2.11 of the Act and are in compliance with the provisions of this Section.
- h) Ready-to-heat-and-eat poultry or stuffed ready-to-heat poultry may be moved from an official establishment prior to freezing in accordance with the provisions of Section 125.130 (specifically the incorporated language in 9 CFR 381.66(f)(3)).
- i) Any method of cleaning immediate containers used for the holding of poultry and poultry products shall be approved if such method is in compliance with the sanitation requirements (see Section 125.330).

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- 3) Canned poultry products which may be processed without steam-pressure cooking shall be those products as stated in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.
- k) The inspector shall permit lots of canned poultry products to be shipped from the official establishment prior to the completion of the incubation period on the representative samples in accordance with the special provisions in 9 CFR 381.309.
- 1) Disinfectants and medicaments used in an official establishment shall be those products on the List of Proprietary Substances and Nonfood Compounds" as adopted by the Department in Section 125.20.

(Source: Peremptory amendment at 21 Ill. Reg. 1-5-8, effective

AUG 25 1983)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

- 1) Heading of the Part: Illinois Swimming Pool and Bathing Beach Code
- 2) Code Citation: 77 Ill. Adm. Code 820
- 3) Releaser Citation to Notice of Proposed Rules: 21 Ill. Reg. 7089 (June 13, 1997)

4) Date, Time and Location of Public Hearing:

October 3, 1997

10:00 a.m. to 1:00 p.m.

McHenry County Government Center, Room C-290

2200 North Seminary Avenue (Route 47)

Woodstock, Illinois

5) Other Pertinent Information:

The hearing will be held for the sole purpose of gathering public comment on the proposed amendments. Persons interested in presenting testimony at this hearing are advised that the Department will adhere to the following procedures in the conduct of the hearing:

1. Each person presenting oral testimony shall provide to the hearing officer a written (preferably typed) copy of such testimony at the time the oral testimony is presented. No oral testimony will be accepted without a written copy of the testimony being provided.
2. No person will be recognized to speak for a second time until all persons wishing to testify have done so. All testimony shall conclude at the specific times except that an individual in the midst of presenting testimony shall be allowed to complete his/her testimony.
3. In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the Hearing Officer may impose such other rules of procedure, including the order of call of witnesses, as he/she deems necessary.
6. Name and Address of Agency Contact Person: Questions regarding these proposed amendments or the public hearing shall be directed to:

Gail M. Devito, Administrative Rules Coordinator
Illinois Department of Public Health
535 West Jefferson Street, Fifth Floor
Springfield, Illinois 62761
217/782-2043

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Pursuant to 35 Ill. Adm. Code 302.50 Subpart F, the following water quality criteria have been derived as listed. This listing includes only the waterbodies for which water quality criteria have been used during the period May 1, 1997 through July 31, 1997.

A cumulative listing of criteria as of July 31, 1993 was published in 17 Ill. Reg. 1904, October 23, 1993. Listings of waterbodies for which water quality criteria have been derived during the three month periods were published in 18 Ill. Reg. 318, January 7, 1994; 18 Ill. Reg. 319, February 4, 1994; 18 Ill. Reg. 8734, June 10, 1994; 18 Ill. Reg. 14166, September 9, 1994; 18 Ill. Reg. 7776, December 9, 1994; 19 Ill. Reg. 3563, March 17, 1995; 19 Ill. Reg. 7270, May 26, 1995; 19 Ill. Reg. 12527, September 1, 1995; 20 Ill. Reg. 649, January 5, 1996; 20 Ill. Reg. 4829, March 22, 1996; 20 Ill. Reg. 7549, May 30, 1996; 20 Ill. Reg. 12278, September 6, 1996; 20 Ill. Reg. 15619, December 6, 1996; 21 Ill. Reg. 3761, March 21, 1997; and 21 Ill. Reg. 7554, June 13, 1997.

Chemical: Acenaphthene

Acute criterion: 124 ug/l

Date criteria derived:

November 14, 1991

Applicable waterbodies:

Not used during this period.

Chemical: Acetone

Acute criterion: 1,530 mg/l

Date criteria derived: May 25, 1993

Applicable waterbodies:

Not used during this period.

Chemical: Acetonitrile

Acute criterion: 375 mg/l

Date criteria derived:

December 7, 1993

Applicable waterbodies:

Not used during this period.

Chemical: Acrylonitrile

Acute criterion: 910 ug/l

Human Health criterion (HHC):

0.21 ug/l

Date criteria derived:

ENVIRONMENTAL PROTECTION AGENCY

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LISTING OF DERIVED WATER QUALITY CRITERIA

November 13, 1991

Applicable waterbodies:

Not used during this period.

Chemical: Anthracene

Human health criterion (HHC):

35 mg/l

Date criteria derived:

August 18, 1993

Applicable waterbodies:

Not used during this period.

Chemical: Benzene

Acute criterion: 5,200 ug/l

Human health criterion (HHC):

21 ug/l

Date criteria derived:

August 15, 1990

Applicable waterbodies:

Not used during this period.

Chemical: Benzo(a)anthracene

Human health criterion (HHC):

0.01 ug/l

Date criteria derived:

August 10, 1993

Applicable waterbodies:

Not used during this period.

Chemical: Benzo(a)pyrene

Human health criterion (HHC):

0.01 ug/l

Date criteria derived:

August 10, 1993

Applicable waterbodies:

Not used during this period.

Chemical: Benzo(b)fluoranthene

Human health criterion (HHC):

0.01 ug/l

Date criteria derived:

CAS # 205-99-2

CAS # 205-99-2

CAS # 205-99-2

CAS # 205-99-2

CAS # 205-99-2

CAS # 205-99-2

CAS # 205-99-2

CAS # 205-99-2

CAS # 205-99-2

CAS # 205-99-2

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LISTING OF DERIVED WATER QUALITY CRITERIA

August 10, 1993 Applicable waterbodies:		August 10, 1993 Applicable waterbodies:	
Not used during this period.		Not used during this period.	
Chemical: Benzo(a)fluoranthene Human health criterion (HNC): 0.01 ug/l Date criteria derived: August 10, 1993 Applicable waterbodies:	CAS #207-08-9	Chemical: 1,2-dichlorobenzene Acute criterion: 210 ug/l Date criteria derived: December 1, 1993 Applicable waterbodies:	CAS #95-50-1 Chronic criterion: 16.8 ug/l
Not used during this period.		Not used during this period.	
Chemical: Carbon tetrachloride Acute criterion: 3,500 ug/l Human health criterion (HNC): 1.4 ug/l Date criteria derived: June 18, 1993 Applicable waterbodies:	CAS #56-23-5 Chronic criterion: 280 ug/l	Chemical: 1,3-dichlorobenzene Acute criterion: 500 ug/l Date criteria derived: July 31, 1991 Applicable waterbodies:	CAS #541-73-1 Chronic criterion: 196 ug/l
Not used during this period.		Not used during this period.	
Chemical: Chlorobenzene Acute criterion: 993 ug/l Date criteria derived: December 11, 1991 Applicable waterbodies:	CAS #108-90-7 Chronic criterion: 79 ug/l	Chemical: 1,2-dichloroethane Acute criterion: 24,900 ug/l Human health criterion (HNC): 23 ug/l Date criteria derived: March 19, 1992 Applicable waterbodies:	CAS #107-06-2 Chronic criterion: 4,540 ug/l
Not used during this period.		Not used during this period.	
Chemical: Chloroform Acute criterion: 1,870 ug/l Human health criterion (HNC): 130 ug/l Date criteria derived: October 26, 1992 Applicable waterbodies:	CAS #67-66-3 Chronic criterion: 150 ug/l	Chemical: 1,1-dichloroethylene Acute criterion: 3,030 ug/l Human health criterion (HNC): 0.9 ug/l Date criteria derived: March 20, 1992 Applicable waterbodies:	CAS #75-35-4 Chronic criterion: 242 ug/l
Not used during this period.		Not used during this period.	
Chemical: Chrysene Human health criterion (HNC): 0.01 ug/l Date criteria derived:	CAS #218-01-9	Chemical: 2,4-dichlorophenol Acute criterion: 631 ug/l Date criteria derived: November 14, 1991 Applicable waterbodies:	CAS #120-83-2 Chronic criterion: 83.1 ug/l

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LISTING OF DERIVED WATER QUALITY CRITERIA

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LISTING OF DERIVED WATER QUALITY CRITERIA

Not used during this period.

Chemical: 1,2-dichloropropane

Acute criterion: 4,800 ug/l

Date criteria derived:

December 7, 1993

Applicable waterbodies:

Not used during this period.

Chemical: 1,3-dichloropropylene

Acute criterion: 99 ug/l

Date criteria derived:

November 13, 1991

Applicable waterbodies:

Not used during this period.

Chemical: 4,6-dinitro-o-cresol =

2-methyl-4,6-dinitrophenol

Acute criterion: 28.8 ug/l

Date criteria derived:

November 13, 1991

Applicable waterbodies:

Not used during this period.

Chemical: 2,4-dinitrophenol

Acute criterion: 85.3 ug/l

Date criteria derived:

December 1, 1993

Applicable waterbodies:

Not used during this period.

Chemical: 2,6-dinitrotoluene

Acute criterion: 1,910 ug/l

Date criteria derived:

February 14, 1992

Applicable waterbodies:

Not used during this period.

Chemical: Diquat

Acute criterion: 1,330 ug/l

Date criteria derived:

CAS #78-87-5

Chronic criterion: 380 ug/l

CAS #542-75-6

Chronic criterion: 7.9 ug/l

CAS #534-52-1

Chronic criterion: 2.3 ug/l

CAS #51-28-5

Chronic criterion: 4.07 ug/l

CAS #606-20-2

Chronic criterion: 153 ug/l

CAS #85-00-7

Chronic criterion: 106 ug/l

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LISTING OF DERIVED WATER QUALITY CRITERIA

January 30, 1996

Applicable waterbodies:

Not used during this period.

Chemical: Ethylbenzene

Acute criterion: 216 ug/l

Date criteria derived: August 15,

1990, revised May 17, 1991

Applicable waterbodies:

05120108-012/off Spring Creek to Wabash River

05120109-005/off Spring Creek to Wabash River

05120114-1087/off Seminary Creek

05140206-639/off storm sewer to Mud Creek

07090003-057/off Coolidge Creek, Pecatonica River

07120004-033/off Willow Creek

07140101-007/off Cahokia Diversion Canal

Chemical: Fluoranthene

Human health criterion (HTC):

120 ug/l

Date criteria derived:

August 10, 1993

Applicable waterbodies:

Not used during this period.

Chemical: Hexachlorobenzene

Human health criterion (HMC):

0.00025 ug/l

Date criteria derived:

November 15, 1991

Applicable waterbodies:

Not used during this period.

Chemical: Hexachlorobutadiene

Acute criterion: 34.5 ug/l

Date criteria derived:

March 23, 1992

Applicable waterbodies:

Not used during this period.

Chemical: Hexachloroethane

CAS #100-41-4

Chronic criterion: 17.2 ug/l

CAS #87-68-3

Chronic criterion: 2.76 ug/l

CAS #67-72-1

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LISTING OF DERIVED WATER QUALITY CRITERIA

Acute criterion: 381 ug/l
Human health criterion (HNC):
2.9 ug/l

Date criteria derived:

November 15, 1991

Applicable waterbodies:

Not used during this period.

Chemical: Isobutyl alcohol =

2-methyl-1-propanol

Acute criterion: 434 mg/l

Date criteria derived:

December 1, 1993

Applicable waterbodies:

Not used during this period.

Chemical: Methylene chloride

Acute criterion: 17,200 ug/l

Human health criterion (HNC):

340 ug/l

Date criteria derived:

Chemical: Methyleneketone

Acute criterion: 322,000 ug/l

Date criteria derived:

July 1, 1992

Applicable waterbodies:

Not used during this period.

Chemical: 4-methyl-2-pentanone

Acute criterion: 46 mg/l

Date criteria derived:

January 13, 1992

Applicable waterbodies:

Not used during this period.

Chemical: Naphthalene

Acute criterion: 670 ug/l

Date criteria derived:

Chronic criterion: 30.5 ug/l

Not used during this period.

Chemical: 4-nitroaniline

Acute criterion: 1.5 mg/l

Date criteria derived:

May 5, 1996

Applicable waterbodies:

Not used during this period.

Chemical: Nitrobenzene

Acute criterion: 15.4 mg/l

Human health criterion (HNC):

0.52 mg/l

Date criteria derived:

February 14, 1992

Applicable waterbodies:

Not used during this period.

Chemical: Pentachlorophenol

Acute criterion: 20 ug/l

Date criteria derived:

September 1986

Applicable waterbodies:

Not used during this period.

Chemical: Phenanthrene

Acute criterion: 46 ug/l

Date criteria derived:

October 26, 1992

Applicable waterbodies:

Not used during this period.

Chemical: Pyrene

Human health criterion (HNC):

3,500 ug/l

Date criteria derived:

December 22, 1992

Applicable waterbodies:

Not used during this period.

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November 7, 1991

Applicable waterbodies:

Not used during this period.

Chemical: 4-nitroaniline

Acute criterion: 1.5 mg/l

Date criteria derived:

May 5, 1996

Applicable waterbodies:

Not used during this period.

Chemical: Nitrobenzene

Acute criterion: 15.4 mg/l

Human health criterion (HNC):

0.52 mg/l

Date criteria derived:

February 14, 1992

Applicable waterbodies:

Not used during this period.

Chemical: Pentachlorophenol

Acute criterion: 20 ug/l

Date criteria derived:

September 1986

Applicable waterbodies:

Not used during this period.

Chemical: Phenanthrene

Acute criterion: 46 ug/l

Date criteria derived:

October 26, 1992

Applicable waterbodies:

Not used during this period.

Chemical: Pyrene

Human health criterion (HNC):

3,500 ug/l

Date criteria derived:

December 22, 1992

Applicable waterbodies:

Not used during this period.

CAS #100-01-6
Chronic criterion: 0.12 mg/l

CAS #98-95-3
Chronic criterion: 4.67 mg/l

Chronic criterion: 13 ug/l

CAS #85-01-8
Chronic criterion: 3.7 ug/l

CAS #120-00-0

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LISTING OF DERIVED WATER QUALITY CRITERIA

Chemical: Tetrachloroethylene
 Acute criterion: 1,220 ug/l
 Date criteria derived:
 March 23, 1992
 Applicable waterbodies:
 Not used during this period.

Chemical: Tetrahydrofuran
 Acute criterion: 216,000 ug/l
 Date criteria derived:
 March 16, 1992
 Applicable waterbodies:
 Not used during this period.

Chemical: Toluene
 Acute criterion: 8,080 ug/l
 Date criteria derived:
 May 17, 1991
 and January 26, 1993
 Applicable waterbodies:
 05120108-012/off Spring Creek to Wabash River
 05120109-005/off Vermillion River
 05120114-1087/off Seminary Creek
 05140206-639/off storm sewer to Mud Creek
 07090003-057/off Coolidge Creek, Pecatonica River
 07120004-033/off Willow Creek
 07140101-007/off Cahokia Diversion Canal

Chemical: 1,2,4-trichlorobenzene
 Acute criterion: 353 ug/l
 Date criteria derived:
 December 14, 1993
 Applicable waterbodies:
 Not used during this period.

Chemical: 1,1,1-trichloroethane
 Acute criterion: 4,910 ug/l
 Date criteria derived:
 October 26, 1992
 Applicable waterbodies:
 Not used during this period.

CAS #127-18-4
 Chronic criterion: 152 ug/l

CAS #108-88-3
 Chronic criterion: 646 ug/l

CAS #109-99-9
 Chronic criterion: 17,300 ug/l

CAS #130-87-1
 Chronic criterion: 69.2 ug/l

CAS #71-55-6
 Chronic criterion: 393 ug/l

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LISTING OF DERIVED WATER QUALITY CRITERIA

Chemical: 1,1,2-trichloroethane
 Acute criterion: 19,000 ug/l
 Human health criterion (HNC):
 12 ug/l
 Date criteria derived:
 December 13, 1993
 Applicable waterbodies:
 Not used during this period.

Chemical: Trichloroethylene
 Acute criterion: 11,700 ug/l
 Date criteria derived:
 October 23, 1992
 Applicable waterbodies:
 Not used during this period.

Chemical: Xylenes
 Acute criterion: 1,500 ug/l
 Date criteria derived:
 August 23, 1990
 Applicable waterbodies:
 05120108-012/off Spring Creek to Wabash River
 05120109-005/off Vermillion River
 05120114-1087/off Seminary Creek
 05140206-639/off storm sewer to Mud Creek
 07090003-057/off Coolidge Creek, Pecatonica River
 07120004-033/off Willow Creek
 07140101-007/off Cahokia Diversion Canal

CAS #79-00-5
 Chronic criterion: 3,540 ug/l

CAS #79-01-6
 Chronic criterion: 940 ug/l

CAS # 1330-20-7
 Chronic criterion: 117 ug/l

For additional information concerning these criteria or the derivation process used in generating them, please contact:

Bob Mosher
 Illinois Environmental Protection Agency
 Division of Water Pollution Control
 2200 Churchill Road
 Post Office Box 19276
 Springfield, IL 62794-9276
 217/782-3362

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning Private Letter Rulings in the Illinois Register:

Name of Act: Illinois Department of Revenue Sunshine Act

Citation: 20 ILCS 2515/1

2. Summary of information:

Index of Department of Revenue sales tax Private Letter Rulings and General Information Letters issued for the Second Quarter of 1997. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 86 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain information that is of general interest to taxpayers. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act. (See 86 Ill. Adm. Code 1200.120)

The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

Agents
Agricultural Producers
Agricultural Products
Assessments
Automobile Renting Tax
Bingo
Books and Records
Bulk Sales
C.O.A.D.
Certificate of Registration
Charitable Games
Cigarette Tax
Claims for Credit
Coal Fueled Devices
Coal Mining Equipment
Coins & Precious Metals
Computer Software
Manufacturing Machinery
Medical Appliances
Miscellaneous
Motor Fuel Tax
Motor Vehicles
Newsprint & Ink
Nexus
Nonprofit Institutions
Occasional Sale
Oil Field Equipment
Penalties
Pollution Control Facilities
Prepaid Sales Tax
Products of Photoprocessing
Property Tax
Public Utility Taxes

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Construction Contractors
Cooperative Associations
Delivery Charges
Distillation Machinery
Drug Tax Stamps
Enterprise Zones
Exempt Organizations
Farm Machinery & Equipment
Federal Excise Tax
Financial Institutions
Food
Food, Drugs & Medical Appliances
Governmental Bodies
Graphic Arts
Gross Receipts
High Impact Business
Hotel Operators' Tax
Interest
Interest Commerce
Italian Vendors
Invested Capital Tax
Leasing
Liquor Tax
Local Taxes
Mandatory Service Charges
Manufacturer's Purchase Credit
Manufacturers
Real Estate Transfer Tax
Repairs
Replacement Vehicle Tax
Request for Information
Returns
Selling Stock Exemption
Selling Stock
Sale for Seale
Sale of Service
Service Occupation Tax
Signature
Special Order
Statute of Limitations
Tax Collection
Tax Increment Financing
Tax Rate
Telecommunications Excise Tax
Temporary Storage
Tire User Fee
Trading
Use
Vehicle Use Tax
Vendors

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 25¢ per page for each page over one. Copies of the ruling letters may be downloaded free of charge from the Department's World Wide Web site at www.revenue.state.il.us/.

The annual index of Sales and Excise Tax letter rulings (all four quarters) is available for \$3.00.

3. Name and address of person to contact concerning this information:

Margaret Forth
Legal Services Office
101 West Jefferson Street
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DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1997 SECOND QUARTER SUNSHINE INDEX

AGENTS

ST 97-0234-GIL

05/06/1997 An auctioneer acting on behalf of an unknown or undisclosed principal is responsible for Retailers' Occupation Tax on the gross receipts from the sale. However, if the auctioneer is acting on behalf of a known or disclosed principal, the sale of tangible personal property is taxable to the principal and not the auctioneer. If the auctioneer is the seller of the tangible personal property being sold at the auction. See 86 Ill. Adm. Code 130.1315. (This is a GIL.)

AUTOMOBILE RENTING TAX

ST 97-0197-GIL

04/25/1997 For purposes of determining jurisdiction for local Automobile Renting Occupation Tax, the Department looks to the renter's acceptance of the rental agreement. See 35 ILCS 155/1 et seq. (This is a GIL.)

BULK SALES

ST 97-0337-GIL

06/13/1997 When retailers are acquired by another business through transactions which include transfer of a major part of the retailers' inventory, fixtures, and/or machinery, there are reporting requirements under the Bulk Sales provisions of the Retailers' Occupation Tax Act (35 ILCS 120/5). (This is a GIL.)

CERTIFICATE OF REGISTRATION

ST 97-0226-GIL

05/06/1997 Persons purchasing tangible personal property in Illinois for resale, and not for use or consumption, must provide sellers with Certificates of Resale. See 86 Ill. Adm. Code 130.1005. (This is a GIL.)

CHARITABLE GAMES

ST 97-0245-GIL

05/08/1997 The selling of refreshments to players for cash by waitresses at charitable games events should be limited to a separate area apart from the area where charitable games are being conducted. See 86 Ill. Adm. Code 435.160. (This is a GIL.)

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ST 97-0308-GIL

06/06/1997 Only the following games may be conducted at a charitable games event: roulette, blackjack, poker, pull tabs, craps, bang, beat the dealer, big six, gin rummy, five card stud poker, chuck-a-luck, keno, hold-em poker, and merchandise wheel. See 86 Ill. Adm. Code 435.160. (This is a GIL.)

CIGARETTE TAX

ST 97-0351-GIL

06/25/1997 Section 2 of the Cigarette Tax Act, 35 ILCS 130/2 (1994 Stat. Revisions) imposes a tax on persons engaged in business as retailers of cigarettes in this State. Payment of such tax is evidenced by revenue tax stamps affixed to each original package of cigarettes. (This is a GIL.)

CLAIMS FOR CREDIT

ST 97-0173-GIL

04/03/1997 If a retailer pays an amount of tax under the Retailers' Occupation Tax Act that is not due, either as a result of a mistake of fact or an error of law, then that retailer may file a claim for credit with the Department. See 86 Ill. Adm. Code 130.1501. (This is a GIL.)

ST 97-0176-GIL

04/04/1997 Claims for credit and refunds are only available when persons show that they paid tax directly to the Department as a result of a mistake of fact or error in law. Claimants must also demonstrate that they have borne the burden of the tax erroneously paid. See 86 Ill. Adm. Code 130.1501. (This is a GIL.)

ST 97-0195-GIL

04/24/1997 In order to submit claims for credit, taxpayers must first establish that they have either borne the burden of the tax or unconditionally repaid the amount of tax to the vendee from whom they had collected the tax. See 86 Ill. Adm. Code 130.1501. (This is a GIL.)

ST 97-0317-GIL

06/09/1997 Taxpayers who pay an amount of tax under the Retailers' Occupation Tax Act that is not due, either as a result of a mistake of fact or an error of law, may file claims for credit with the Department. No credit shall be issued unless the claimant shows that he or she has borne the burden of the tax or has unconditionally repaid the amount of the tax to the

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vendee from whom it was collected. See 86 Ill. Adm. Code 130.1501. (This is a GIL.)

ST 97-0353-GIL

06/25/1997 If a taxpayer pays an amount of tax under the Retailers' Occupation Tax that is not due, either as a result of a mistake of fact or an error of law, the taxpayer may file a claim for credit with the Department. See 86 Ill. Adm. Code 130.1501. (This is a GIL.)

COAL MINING EQUIPMENT

ST 97-0013-PLR

05/12/1997 Effective June 24, 1996, the \$250.00 minimum threshold purchase price for qualifying coal mining equipment is eliminated per P.A. 89-495. (This is a PLR.)

ST 97-0269-GIL

05/15/1997 The Retailers' Occupation Tax Act does not apply to sales of coal exploration, mining, off highway hauling, processing, maintenance and reclamation equipment. The exemption also applies to individual replacement parts for such equipment. See 86 Ill. Adm. Code 130.350(a). (This is a GIL.)

COMPUTER SOFTWARE

ST 97-0206-GIL

05/02/1997 Generally, sales of "canned" computer software are taxable retail sales in Illinois. See 86 Ill. Adm. Code 130.1935. (This is a GIL.)

ST 97-0208-GIL

05/02/1997 Generally, sales of "canned" computer software are taxable retail sales in Illinois. However, if the computer software consists of custom computer programs, then the sales of such software are not taxable retail sales. See 86 Ill. Adm. Code 130.1935. (This is a GIL.)

ST 97-0256-GIL

05/08/1997 A sale of "canned" computer software is a taxable retail sale. However, if the computer software consists of custom computer programs, then the sale of such software is not a taxable retail sale. See 86 Ill. Adm. Code 130.1935. (This is a GIL.)

ST 97-0259-GIL

05/09/1997 A sale of "canned" computer software is a taxable retail sale. However, custom software programs are not taxable. See 86 Ill. Adm. Code 130.1935. (This is a GIL.)

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06/06/1997 Sellers of maintenance agreements for computer hardware and software must pay Use Tax on the cost price of the materials transferred incident to service performed pursuant to the maintenance agreements. However, if the maintenance agreements provide for updates of canned software and the updates are not separately stated and taxed, the whole agreements would be taxable as sales of canned software. See 86 Ill. Adm. Code Sections 130.1935 and 140.301(3)(b). (This is a GIL.)

ST 97-0322-GIL

06/10/1997 Sales of "canned" computer software are taxable retail sales. See 86 Ill. Adm. Code 130.1935. (This is a GIL.)

ST 97-0329-GIL

06/11/1997 This letter provides general information regarding the taxability of computer software and related services. See 86 Ill. Adm. Code 130.1935. (This is a GIL.)

ST 97-0331-GIL

06/11/1997 This letter provides general information concerning the sale of computer software and certain related services. See 86 Ill. Adm. Code 130.1935. (This is a GIL.)

ST 97-0335-GIL

06/12/1997 Retailers' Occupation Tax is imposed upon persons selling canned computer software. See 86 Ill. Adm. Code 130.1935. (This is a GIL.)

ST 97-0341-GIL

06/16/1997 This letter provides general information concerning the sale of computer hardware and software and certain related services. See 86 Ill. Adm. Code 130.1935. (This is a GIL.)

ST 97-0342-GIL

06/16/1997 Canned computer software is considered to be tangible personal property and gross receipts from its retail sale is subject to Retailers' Occupation Tax liability. See 86 Ill. Adm. Code 130.1935. (This is a GIL.)

ST 97-0346-GIL

06/17/1997 A sale of "canned" computer software is a taxable retail sale. See 86 Ill. Adm. Code 130.1935. If the computer software consists of custom computer programs, then the sale of such software is not a taxable retail sale. See Section 130.1935(c). If a transaction for the licensing of computer software meets all of the requirements set out in Section 130.1935(a)(1), neither the transfer of the software nor

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the subsequent software updates will be subject to the Retailers' Occupation Tax. (This is a GIL.)

ST 97-0361-GIL

06/26/1997 Generally, sales of "canned" computer software are taxable retail sales in Illinois. See 86 Ill. Adm. Code 130.1935 (This is a GIL.)

CONSTRUCTION CONTRACTORS

ST 97-0183-GIL

04/15/1997 Persons who permanently affix items of tangible personal property to real estate act as construction contractors and incur Use Tax liability on the cost of such items. See 86 Ill. Adm. Code 130.1940. (This is a GIL.)

ST 97-0207-GIL

05/02/1997 In Illinois, construction contractors are deemed to be the end users of the building materials that they take off the market and permanently affix to real estate. As a result, these contractors incur a Use Tax liability on their cost price of the materials permanently affixed to real estate. See 86 Ill. Adm. Code 130.2075. (This is a GIL.)

ST 97-0221-GIL

05/05/1997 The purchase of building materials which will be physically incorporated into public improvements, the ownership of which is required to be conveyed to a unit of government pursuant to prior approval, transfers the required Use Tax liability from the contractor to the unit of government. See 86 Ill. Adm. Code 130.2075. (This is a GIL.)

ST 97-0233-GIL

05/06/1997 Generally, construction contractors incur a Use Tax liability based on their cost price of materials purchased for incorporation into real estate. However an exemption exists for purchases of such materials for incorporation into real estate owned by a unit of government under a construction contract with that unit of government. See 86 Ill. Adm. Code 130.2075. (This is a GIL.)

ST 97-0237-GIL

05/07/1997 Persons who permanently affix tangible personal property to real estate, thereby making improvements to real estate, are deemed to be construction contractors. In Illinois, construction contractors are deemed to be the end users of the items that they permanently affix to real estate and owe Use Tax on the cost price of the tangible personal property that they so affix to real estate. See 86 Ill. Adm. Code 130.2075. (This is a GIL.)

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ST 97-0241-GIL

05/07/1997 Sales of building materials to construction contractors who will affix those items to real estate are taxable retail sales. See Section 130.2075. (This is a GIL.)

ST 97-0274-GIL

05/20/1997 In Illinois, construction contractors are deemed end users of tangible personal property purchased for incorporation into real property. As end users of such tangible personal property, contractors incur Use Tax liability for such purchases based upon the cost price of the tangible personal property. See 86 Ill. Adm. Code 130.1940 and 130.2075 (This is a GIL.)

ST 97-0278-GIL

05/23/1997 In Illinois, construction contractors are deemed end users of tangible personal property purchased for incorporation into real property. As end users of such tangible personal property, contractors incur Use Tax liability for such purchases based upon the cost price of the tangible personal property. See 86 Ill. Adm. Code 130.1940 and 130.2075. (This is a GIL.)

ST 97-0318-GIL

06/09/1997 When a flooring retailer affixes materials to real property by use of adhesives or glue, the flooring retailer is acting as a construction contractor and is responsible for Use Tax based upon the retailer's cost price of materials. However, where a flooring retailer sells flooring materials with installation instructions that require the use of adhesives or glue, the retailer is not acting as a construction contractor. The sale of such materials remains tangible personal property and the sale is subject to Retailers' Occupation Tax plus applicable local taxes. See 86 Ill. Adm. Code 130.1940. (This is a GIL.)

ST 97-0323-GIL

06/10/1997 Persons who permanently affix tangible personal property to real estate, thereby making improvements to real estate, are considered to be construction contractors. In Illinois, construction contractors are deemed to be the users of the items that they permanently affix to real estate and owe Use Tax on the cost price of the tangible personal property that they so affix to real estate. See 86 Ill. Adm. Code 130.2075. (This is a GIL.)

ST 97-0352-GIL

06/25/1997 Construction contractors, as defined in 86 Ill. Adm. Code 130.1940, that make improvements to real estate by affixing materials off the market and permanently affixing them to real estate owe Use Tax on the cost price of those materials. (This is a GIL.)

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DELIVERY CHARGES

ST 97-0201-GIL

05/02/1997 Whether shipping or delivery charges may be deducted by a retailer in determining the retailer's Retailers' Occupation Tax liability depends, not upon the separate billing of shipping charges, but whether the shipping charges are included in the selling price of the property or are contracted for separately by the purchaser and the retailer. See 86 Ill. Adm. Code 130.415. (This is a GIL.)

ST 97-0270-GIL

05/15/1997 Whether shipping and handling or delivery charges may be deducted by a retailer in determining the retailer's Retailers' Occupation Tax liability depends upon whether the shipping and handling or delivery charges are included in the selling price of the property or are contracted for separately by the purchaser and the retailer. See 86 Ill. Adm. Code 130.415. (This is a GIL.)

ST 97-0272-GIL

05/15/1997 Whether shipping or delivery charges are subject to Retailers' Occupation Tax liability depends upon whether the shipping or delivery charges are included in the selling price of property or are contracted for separately by purchasers and retailers. See 86 Ill. Adm. Code 130.415. (This is a GIL.)

ST 97-0280-GIL

05/28/1997 In general, shipping or delivery charges are includable in the gross receipts subject to tax unless the buyer and seller agree upon such charges separately from the selling price of the tangible personal property which is sold. See 86 Ill. Adm. Code 130.415. (This is a GIL.)

ENTERPRISE ZONES

ST 97-0298-GIL

06/04/1997 The enterprise zone building materials exemption applies to qualifying building materials purchased from a retailer located in the jurisdiction that created the enterprise zone. See 86 Ill. Adm. Code 130.1931 regarding enterprise zones. (This is a GIL.)

EXEMPT ORGANIZATIONS

ST 97-0228-GIL

05/06/1997 Contractors who physically incorporate tangible personal property into real estate owned by holders of sales tax exemption identification numbers ("ex numbers") can purchase such property tax-free by providing their suppliers with the certification described in

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ST 97-0014-PLR

06/03/1997 While the sale of tangible personal property at retail by exclusively charitable, religious and educational organizations is generally subject to Retailers' Occupation Tax, there are three very limited exemptions. See 130.2005(a)(1)(A). (This is a PLR.)

ST 97-0177-GIL

04/02/1997 Organizations that make application to the Department and are determined to be exclusively charitable, religious, or educational receive a tax exemption identification number ("ex number") which exempts them from the Retailers' Occupation Tax on purchases. See 86 Ill. Adm. Code 130.2007. (This is a GIL.)

ST 97-0177-GIL

04/07/1997 An organization which has been issued an "ex" number documenting its status as a sales tax exempt purchaser may engage in sales to members, noncompetitive sales, and certain occasional dinners and similar activities (two fundraisers a year) without incurring Retailers' Occupation Tax liability. See section 130.2005(a)(2) through (a)(4). (This is a GIL.)

ST 97-0184-GIL

04/15/1997 Organizations that make application to the Department and are determined to be exclusively religious, educational, or charitable, receive an exemption identification number ("ex number") which must be provided to document exempt status when the organization purchases. See 86 Ill. Adm. Code 130.2007. (This is a GIL.)

ST 97-0205-GIL

05/12/1997 Charitable or religious organizations incur Retailers' Occupation Tax liability on the retail selling they do in the course of operating gift shops and rummage stores. See 86 Ill. Adm. Code 130.2005(b)(2). (This is a GIL.)

ST 97-0209-GIL

05/05/1997 Organizations that make application to the Department and are determined to be exclusively religious, educational, or charitable, receive an exemption identification "ex" number. See 86 Ill. Adm. Code 130.2007. (This is a GIL.)

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Section 130.2075(d), as well as the "E" number of the group into whose real estate that property will be incorporated. (This is a GIL.)

ST 97-0279-GIL

05/23/1997 Organizations that make application to the Department and are determined to be exclusively charitable, religious, educational or governmental receive sales tax exemption identification numbers. See 86 Ill. Adm. Code 130.2005 and 130.2080. (This is a GIL.)

ST 97-0300-GIL

06/05/1997 Organizations that make application to the Department and are determined to be exclusively religious, educational, or charitable, receive an exemption identification "E" number. See 86 Ill. Adm. Code 130.2005, 130.2007, 130.210, and 130.1405. (This is a GIL.)

ST 97-0355-GIL

06/25/1997 Exempt organizations may engage in sales to members, noncompetitive sales, and certain occasional dinners and similar activities (2 fundraisers per year) without incurring Retailers' Occupation Tax liability. However, if such organizations engage in ongoing selling activities (such as concession stands or sales of baked goods in a thrift shop), they must register with the Department as a retailer. See 86 Ill. Adm. Code 130.2005. (This is a GIL.)

ST 97-0358-GIL

06/26/1997 Organizations that make application to the Department of Revenue and are determined to be exclusively religious, educational, or charitable, receive an exemption identification number (an "E" number). See 86 Ill. Adm. Code 130.2007. (This is a GIL.)

FARM MACHINERY & EQUIPMENT

ST 97-0218-GIL

05/05/1997 86 Ill. Adm. Code 130.305(1) provides that farm machinery does not include improvements to real estate such as fences, barns, roads, grain bins, silos and confinement buildings. (This is a GIL.)

ST 97-0232-GIL

05/06/1997 Under the Retailers' Occupation Tax Act, the farm machinery and equipment exemption is available for sales of machinery and equipment used or leased for use primarily (over 50% of the time) in production agriculture or for use in State or federal agricultural programs. See 86 Ill. Adm. Code 130.305. (This is a GIL.)

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06/03/1997 Farm wagons that are used primarily in an exempt manner can qualify for the Farm Machinery and Equipment exemption. The moving of fence rows is not production agriculture. See 86 Ill. Adm. Code 130.305(f). (This is a GIL.)

FOOD

ST 97-0181-GIL

04/15/1997 Food, drugs, medicines and medical appliances subject to the Sales Tax Act are exempt from applicable local taxes and fees that do not qualify for either medicines and medical appliances are subject to the basic State rate of tax, which is 6.25% plus any applicable local taxes. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

ST 97-0247-GIL

05/08/1997 The manner in which food is taxed depends upon the nature of the establishment that is selling the food. Retailers who provide seating or facilities for on-premises consumption of food generally incur tax at the high rate on all food sales (including bulk or grocery type items). However, if establishments sell both food that has been prepared for immediate consumption and bulk or grocery type items and also provide facilities for on-premises consumption, the price of tax may be charged on the bulk or grocery type items only if the dining facilities are physically partitioned from the area where food not for immediate consumption is sold and these facilities utilize a separate means of collection of receipts. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

ST 97-0262-GIL

05/12/1997 Food that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) is taxed at the rate of 1% plus applicable local taxes. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

ST 97-0307-GIL

06/06/1997 The manner in which food is taxed depends upon the nature of the establishment that is selling the food. Retailers who provide seating or facilities for on-premises consumption of food generally incur tax at the high rate on all food sales (including bulk or grocery type items). However, if establishments sell both food that has been prepared for immediate consumption and bulk or grocery type items and also

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provide facilities for on-premises consumption, the lower rate of tax may be charged on the bulk or grocery type items only if the dining facilities are physically partitioned from the area where food not for immediate consumption is sold and these facilities utilize a separate means of collection of receipts. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

FOOD, DRUGS & MEDICAL APPLIANCES

05/02/1997 Medicines and medical appliances are not taxed at the rate of 6.25%. These items are taxed at a lower rate of 1%. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

05/02/1997 Medicines and medical appliances are not taxed at the rate of 6.25%. These items are taxed at a lower rate of 1%. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

05/02/1997 Items that qualify as food, medicines, or medical appliances are subject to the low rate of tax, 1% plus applicable local taxes. Items that do not qualify as food, medicines, or medical appliances are subject to the high rate of tax, 6.25% plus applicable local taxes. 86 Ill. Adm. Code 130.310 (This is a GIL.)

05/05/1997 Products, such as aromatherapy candles, for human use that do not purport on the label to have medicinal qualities do not qualify as medicines or drugs subject to the low rate of tax. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

05/05/1997 The manner in which food is taxed depends upon the nature of the establishment that is selling the food. See 86 Ill. Adm. Code 130.310(b)(3). (This is a GIL.)

06/03/1997 Medicines and medical appliances are not taxed at the normal State rate of 6.25%. Qualifying items are taxed at a lower rate of 1%. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

GAS REVENUE TAX

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06/18/1997 In Illinois the Gas Revenue Tax is imposed upon persons engaged in the business of distributing, supplying, furnishing, or selling natural gas to persons for use or consumption and not for resale. See 86 Ill. Adm. Code 470.110. (This is a GIL.)

GOVERNMENTAL BODIES

05/07/1997 Sales made to Medicare and Medicaid are exempt from tax as sales to a government body. See 86 Ill. Adm. Code 140.125(h)(3) and 130.2080. (This is a GIL.)

GRAPHIC ARTS

05/05/1997 The graphic arts machinery and equipment exemption extends to machinery and equipment used primarily in graphic arts production. See 86 Ill. Adm. Code 130.325. (This is a GIL.)

ST 97-0354-GIL

06/25/1997 The Graphic Arts Machinery and Equipment Exemption extends to machinery and equipment that is used primarily in graphic arts production. See 86 Ill. Adm. Code 130.325. (This is a GIL.)

GROSS RECEIPTS

04/15/1997 When retailers or other persons issue coupons which entitle the bearer to obtain an item of personal property free of any charge, whatever the method of redemption, the production of such coupons and the furnishing of such tangible personal property does not constitute a sale under the Retailers' Occupation Tax and the retailers do not incur Retailers' Occupation Tax liability. However, retailers issuing such coupons, as donors, incur Use Tax liability on their cost price of the tangible personal property actually transferred as a result of such coupons. See 86 Ill. Adm. Code 130.2125(c). (This is a GIL.)

ST 97-0198-GIL

04/28/1997 Special service charges are generally includable in retailers' gross receipts from sales and are subject to Retailers' Occupation Tax. The exception to this is where it is the intent of both the retailers and purchasers to separately contract for the service. See 86 Ill. Adm. Code 130.450. (This is a GIL.)

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05/08/1997 The issue of whether retailers incur Retailers' Occupation Tax liability in respect to discount coupons depends on whether those retailers are being reimbursed for all or a part of the amount represented by the coupon. See 86 Ill. Adm. Code 130.125. (This is a GIL.)

ST 97-0261-GIL

05/12/1997 Gross receipts are defined as all the consideration actually received by the seller, except like-kind traded, taxable personal property. See 86 Ill. Adm. Code 130.401. (This is a GIL.)

ST 97-0328-GIL

06/11/1997 The Illinois Retailers' Occupation Tax is imposed upon the total gross receipts that are received by the retailer who makes a retail sale to an Illinois end user. See 86 Ill. Adm. Code 130.101. (This is a GIL.)

HIGH IMPACT BUSINESS

ST 97-0295-GIL

06/03/1997 Beginning January 1, 1995, retailers who make sales of building materials that will be incorporated into High Impact Business locations, as designated by the Department of Commerce, shall be exempt from the Department's Enterprise Zone Act. Retailers may deduct receipts from such sales when calculating the 6.25% State tax imposed by the Illinois Retailers' Occupation Tax. See 35 ILCS 120/51 and 86 Ill. Adm. Code 130.1952. (This is a GIL.)

HOTEL OPERATORS' TAX

ST 97-0292-GIL

06/03/1997 The only exemptions available under the Hotel Operators' Occupation Tax Act to hotel operators are rentals to permanent residents and to certain diplomatic personnel. The exemption for rentals to certain diplomatic personnel applies only of diplomatic tax personnel possessing certain types of diplomatic tax exemption cards. See 86 Ill. Adm. Code Section 130.1100. (This is a GIL.)

ST 97-0356-GIL

06/25/1997 Organizations that enjoy exemption from Illinois sales tax are not similarly exempt from Hotel Operators' Occupation Tax when renting a hotel or motel room. This includes rentals to churches, charities, schools, and units of government, including the U.S.

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06/09/1997 Retailers' Occupation Tax does not apply where the seller is obligated, under the terms of his agreement with the purchaser, to make physical delivery of the goods from a point in Illinois to a point outside Illinois, not to be returned to a point within Illinois, provided that such delivery is actually made. See 86 Ill. Adm. Code 130.605. (This is a GIL.)

INTERSTATE COMMERCE

ST 97-0302-GIL

06/09/1997 Retailers' Occupation Tax does not apply where the seller is obligated, under the terms of his agreement with the purchaser, to make physical delivery of the goods from a point in Illinois to a point outside Illinois, not to be returned to a point within Illinois, provided that such delivery is actually made. See 86 Ill. Adm. Code 130.605. (This is a GIL.)

ST 97-0313-GIL

06/09/1997 Retailers' Occupation Tax does not apply where the seller is obligated, under the terms of his agreement with the purchaser, to make physical delivery of the goods from a point in Illinois to a point outside Illinois, not to be returned to a point within Illinois, provided that such delivery is actually made. See 86 Ill. Adm. Code 130.605. (This is a GIL.)

ST 97-0332-GIL

06/11/1997 Gross receipts are not subject to tax when the gross receipts are from sales in which sellers are obligated, under the terms of their agreements with the purchasers, to make physical delivery of the property from this State to a point outside this State, provided that such delivery is actually made. See 86 Ill. Adm. Code 130.605. (This is a GIL.)

LEASING

ST 97-0178-GIL

04/07/1997 For purposes of the Illinois sales tax laws, lessors are deemed to be the users of items held for rental purposes. The only exception is the renter of automobiles under lease terms of one year or less. See 86 Ill. Adm. Code 130.220. (This is a GIL.)

ST 97-0179-GIL

04/07/1997 For Illinois sales tax purposes, lessors are deemed to be the users of items obtained for lease purposes and incur a Use Tax liability on their cost price of such items. Rental receipts are not taxed. The only exception is the renter of automobiles under lease terms of one year or less. See 86 Ill. Adm. Code 130.220. (This is a GIL.)

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ST 97-0193-GIL

04/23/1997 Lessors of tangible personal property under "true leases" in Illinois incur a Use Tax liability on equipment that is purchased for leasing purposes. Consequently, lessees do not incur any tax obligations under such leases. See 86 Ill. Adm. Code 130.220 and 130.210. (This is a GIL.)

ST 97-0215-GIL

05/05/1997 The State of Illinois taxes leases of tangible personal property differently than the majority of other states. Except for automobiles leased for a period of one year or less, lessors of tangible personal property in Illinois are considered to be the end users of the property and users of the property. See 86 Ill. Adm. Code 130.220. (This is a GIL.)

ST 97-0210-GIL

05/06/1997 For Illinois sales tax purposes, lessors are users of the items they purchase for rental purposes. The only exception is the rental of automobiles under lease terms of one year or less. See 86 Ill. Adm. Code 130.220. (This is a GIL.)

ST 97-0231-GIL

05/06/1997 In Illinois, lessors of tangible personal property under a true lease, except for automobiles leased for terms of one year or less, are considered to be the end users of the property to be leased. As the lessors of tangible personal property located in Illinois are considered to be the end users of the property, the lessors incur the price of the property. See 86 Ill. Adm. Code 130.220 and 130.210. (This is a GIL.)

ST 97-0246-GIL

05/08/1997 A true lease generally has no buy out provision at the close of the lease. If a buy out provision does exist, it must be a fair market value buy out option in order to maintain the character of the true lease. Lessors of tangible personal property under true leases in Illinois, are deemed end users of the property to be leased. See 86 Ill. Adm. Code 130.220. (This is a GIL.)

ST 97-0253-GIL

05/08/1997 Lessors are deemed to be the users of the tangible personal property that they hold for leasing purposes. For that reason, lessors in Illinois incur Use Tax liability based on their cost price of items purchased for leasing purposes. See 86 Ill. Adm. Code 130.220. (This is a GIL.)

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ST 97-0296-GIL

06/04/1997 In Illinois, lessors of tangible personal property under a true lease, except for automobiles leased for terms of one year or less, are considered to be the end users of the property to be leased. As the lessors of tangible personal property located in Illinois, lessors incur Use Tax on their cost price of the property. See 86 Ill. Adm. Code 130.220 and 130.210. (This is a GIL.)

ST 97-0295-GIL

06/04/1997 Lease agreements that contain purchase options equal to the fair market value of the tangible personal property at the end of the lease term are considered true leases, and the lessors incur Use Tax liability on their cost price of tangible personal property purchased for rental purposes. See 86 Ill. Adm. Code 130.210. (This is a GIL.)

ST 97-0310-GIL

06/09/1997 In Illinois, lessors of tangible personal property under a true lease, except for automobiles leased for terms of one year or less, are considered to be the end users of the property to be leased. See 86 Ill. Adm. Code 130.220 and 130.210. (This is a GIL.)

ST 97-0321-GIL

06/10/1997 In Illinois, lessors of tangible personal property under a true lease, except for automobiles leased for terms of one year or less, are considered to be the end users of the property to be leased. See 86 Ill. Adm. Code 130.220 and 130.210. (This is a GIL.)

LIQUOR TAX

ST 97-0249-GIL

05/08/1997 A tax is imposed upon the privilege of engaging in business as a manufacturer or as an importing distributor of beer at the rate of 7 cents per gallon. See 86 Ill. Adm. Code 420.10. (This is a GIL.)

MANUFACTURER'S PURCHASE CREDIT

ST 97-0012-PLR

05/01/1997 Since the Manufacturer's Purchase Credit was created before the effective date of the sunset provisions provided by Public Act 88-660, the Department believes that this credit is not affected by the provisions of Public Act 88-660 requiring a sunset date or creating a sunset date if not specified in the appropriate Public Act. See Public Act 88-547. (This is a PLR.)

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ST 97-0248-GIL

05/08/1997 This letter discusses how Manufacturer's Purchase Credits are documented by use of Department-prescribed forms, and other miscellaneous exemption issues. See 35 ILCS 105/3-83 and 35 ILCS 110/3-70. (This is a GIL.)

ST 97-0311-GIL

06/09/1997 Illinois provides a manufacturer's purchase credit on the purchase of tangible personal property that qualifies for the manufacturing machinery and equipment exemption. See 35 ILCS 105/3-45 (1994 State Bar Edition) and 35 ILCS 110/3-70 (1994 State Bar Edition). (This is a GIL.)

MANUFACTURING MACHINERY & EQUIPMENT

ST 97-0186-GIL

04/22/1997 86 Ill. Adm. Code 130.330(a) provides that "...the Retailers' Occupation Tax does not apply to sales of machinery and equipment used primarily in the manufacturing or assembling of tangible personal property for wholesale or retail sale or lease." (This is a GIL.)

ST 97-0191-GIL

04/23/1997 Under the Retailers' Occupation Tax Act, the manufacturing machinery and equipment exemption is available for machinery and equipment used primarily (over 50% of the time) in the manufacturing or assembling of tangible personal property for wholesale or retail sale or lease. See 86 Ill. Adm. Code 130.330 (This is a GIL.)

ST 97-0268-GIL

05/15/1997 The Manufacturing Machinery and Equipment exemption is available only for "machinery and equipment used primarily in the manufacturing or assembling of tangible personal property for wholesale or retail sale or lease." Personal property for wholesale or retail sale or lease "includes machinery and equipment used in general ventilation, heating or cooling that is not required by the manufacturing process." See 86 Ill. Adm. Code 130.330. (This is a GIL.)

ST 97-0301-GIL

06/05/1997 Machinery and equipment used primarily in the manufacturing or assembling of tangible personal property for wholesale or retail sale or lease is exempt from Retailers' Occupation Tax. See 86 Ill. Adm. Code 130.330. (This is a GIL.)

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ST 97-0325-GIL

06/11/1997 Machinery and equipment used primarily in the manufacturing or assembling of tangible personal property for wholesale or retail sale or lease is exempt from Retailers' Occupation tax. See 86 Ill. Adm. Code 130.330. (This is a GIL.)

ST 97-0333-GIL

06/11/1997 Under the Retailers' Occupation Tax Act, the manufacturing machinery and equipment exemption extends to machinery and equipment that is used primarily (over 50% of the time) in the manufacturing or assembling of tangible personal property for wholesale or retail sale or lease. See 86 Ill. Adm. Code 130.330. (This is a GIL.)

ST 97-0345-GIL

06/17/1997 Machinery and equipment that are used primarily in the manufacturing or assembling of tangible personal property for wholesale or retail sale or lease are exempt from Retailers' Occupation Tax. See 86 Ill. Adm. Code 130.330. (This is a GIL.)

MEDICAL APPLIANCES

ST 97-0180-GIL

04/08/1997 Medicines and medical appliances are not taxed at the rate of 6.25%. They are taxed at a lower rate of 1%. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

ST 97-0196-GIL

04/25/1997 A medical appliance is an item which is intended by its manufacturer for use in directly substituting for a malfunctioning part of the body. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

ST 97-0219-GIL

05/05/1997 Items of tangible personal property that qualify as food, drugs, medicines and medical appliances are taxed at the low tax rate of 1% plus applicable local taxes. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

ST 97-0223-GIL

05/05/1997 A medical appliance is an item which is intended by its manufacturer for use in directly substituting for a malfunctioning part of the body. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

ST 97-0250-GIL

05/08/1997 Prescription eyeglasses and contact lenses are taxable at the rate of 1% plus applicable local taxes. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

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ST 97-0286-GIL 06/02/1997 Systems that concentrate certain cells using an immunoadsorption technique do not appear to directly substitute for a malfunctioning part of the body and therefore do not qualify as medical appliances subject to the low rate of tax. (This is a GIL.)

ST 97-0306-GIL 06/06/1997 Diagnostic equipment does not qualify for the reduced rate of tax applicable to medical appliances, except for the use of certain medical devices, such as syringes, and needles used in treating diabetes in human beings, qualify for the reduced rate of tax. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

ST 97-0314-GIL 06/09/1997 A medical appliance is defined as an item which is intended by its manufacturer for use in directly substituting for a malfunctioning part of the body. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

ST 97-0320-GIL 06/09/1997 Air-cleaning devices do not directly substitute for a malfunctioning part of the body and therefore do not qualify as medical appliances. See 86 Ill. Adm. Code 130.310. However, air cleaning devices may qualify for the pollution control facilities exemption. See 86 Ill. Adm. Code 130.335. (This is a GIL.)

ST 97-0344-GIL 06/16/1997 Medicines and medical appliances are not taxed at the normal State rate of 6.25%. Qualifying items are taxed at a lower State rate of 1%. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

MISCELLANEOUS

ST 97-0189-GIL 04/22/1997 This letter discusses the taxation of several items of tangible personal property, such as cigarettes, motor fuel, liquor and prepared foods. (This is a GIL.)

ST 97-0212-GIL 05/05/1997 Discusses how to request a letter ruling and copies of previously issued rulings. 2 Ill. Adm. Code 1200.110. (This is a GIL.)

ST 97-0220-GIL 05/05/1997 Request for regulations. (This is a GIL.)

ST 97-0254-GIL 05/08/1997 The Illinois Sales Tax Rate Reference Manual contains listings of the tax rates at various Illinois locations for general merchandise, food/drugs/medical appliances, and titled or registered

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items. See also 86 Ill. Adm. Code 130.310. (This is a GIL.)

ST 97-0255-GIL

05/08/1997 The Retailers' Occupation Tax Act imposes a tax upon persons engaged in this State in the business of selling tangible personal property to purchasers for use or consumption at the rate of 6.25%. The Use Tax Act imposes a tax upon the privilege of using, in this State, any kind of tangible personal property that is purchased anywhere at retail from a retailer at the rate of 6.25%. See 86 Ill. Adm. Code 130.101 and 130.101. (This is a GIL.)

ST 97-0288-GIL

06/02/1997 Section 150.705, enclosed, requires that the Use Tax be paid by persons who purchase vehicles out-of-State for use in Illinois before such vehicles can be titled or registered in Illinois. (This is a GIL.)

ST 97-0312-GIL

06/09/1997 86 Ill. Adm. Code 130.2055(b) provides that "[s]ince a state may not place the legal incidence of its taxes directly on the United States Government or on a foreign government, sales by the United States Government and foreign governments, or any agency or instrumentality of any such government, are not subject to the Retailers' Occupation Tax even though such sales may be made in Illinois. (This is a GIL.)

ST 97-0336-GIL

06/12/1997 This letter provides general information related to exempt organizations and their fundraising activities. See 86 Ill. Adm. Code 130.2005. (This is a GIL.)

ST 97-0339-GIL

06/13/1997 Manufacturers, importers and wholesalers can enter into agency agreements with the Department whereby they register, file returns and remit Retailers' Occupation Tax on behalf of local retailers selling their products. See 86 Ill. Adm. Code 130.550. (This is a GIL.)

MOTOR FUEL TAX

ST 97-0174-GIL

04/03/1997 The Motor Fuel Tax Law is imposed on the privilege of operating motor vehicles upon the public highways, including toll roads, and recreational-type watercraft upon the waters of this State. (This is a

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GIL.)
ST 97-0225-GIL

05/05/1997 The County Motor Fuel Tax Law, 55 ILCS 5/5-1035.1 (1994 State Bar Edition), provides that the county boards of DuPage, Kane and McHenry Counties may impose a tax upon all persons engaged in the county in the business of selling motor fuel at retail for the operation of motor vehicles upon public highways or for the operation of recreational watercraft upon waterways. (This is a GIL.)

ST 97-0264-GIL

05/12/1997 According to 86 Ill. Adm. Code 500.325(b), in the case of a carrier using independent contractors under long-term leases (more than 30 days), the lessor and lessee will be given the option of designating which party will report and pay the motor fuel use tax. In the absence of a written agreement or contract, or if the document is silent regarding responsibility for reporting and paying fuel use tax, the lessee will be responsible for reporting and paying fuel use taxes, and the base jurisdiction for purposes of this Part shall be the base jurisdiction of the lessee, regardless of the jurisdiction in which the commercial motor vehicle is registered for vehicle registration purposes by the lessor. (This is a GIL.)

ST 97-0265-GIL

05/12/1997 On-board recording devices may be used in lieu of or in addition to handwritten trip reports for fuel tax reporting. They must, however, meet the requirements imposed by Department regulation found at 86 Ill. Adm. Code 500.345. (This is a GIL.)

NEWSPRINT & INK

ST 97-0222-GIL

05/05/1997 Sales of newspapers and magazines are not subject to Retailers' Occupation Tax. See 86 Ill. Adm. Code 130.2105. (This is a GIL.)

ST 97-0338-GIL

06/13/1997 Gross receipts from the sale of newspapers and magazines are subject to Retailers' Occupation Tax. See 86 Ill. Adm. Code 130.2105. (This is a GIL.)

NEXUS

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ST 97-0242-GIL

05/07/1997 The definition of a "retailer maintaining a place of business" in Illinois is set out at 86 Ill. Adm. Code 130.201. An out-of-State seller falling under the definition is required to register as an Illinois Use Tax collector. See 86 Ill. Adm. Code 130.801. (This is a GIL.)

ST 97-0243-GIL

05/08/1997 This letter describes nexus requirements and DROP SHIPMENTS. See 86 Ill. Adm. Code 150.201 and 86 Ill. Adm. Code 150.801. (This is a GIL.)

ST 97-0258-GIL

05/09/1997 Out-of-State sellers who maintain a representative in Illinois are required to register and collect Illinois tax when selling and delivering to Illinois customers. See 86 Ill. Adm. Code 130.801. (This is a GIL.)

OCCASIONAL SALE

ST 97-0236-GIL

05/07/1997 Persons who make isolated or occasional sales do not incur Retailers' Occupation Tax liability. See 86 Ill. Adm. Code 130.110. (This is a GIL.)

ST 97-0284-GIL

06/02/1997 When persons sell tangible personal property which they are not otherwise engaged in selling, such transactions may be occasional sales not subject to ROT. See 86 Ill. Adm. Code 130.110. (This is a GIL.)

ST 97-0293-GIL

06/03/1997 Since the Illinois Use Tax is imposed only upon purchases from retailers, purchases of boats and vessels from sellers who are not in the business of selling would not be subject to Illinois Use Tax at all. See 86 Ill. Adm. Code 130.110 regarding "Occasional Sales." (This is a GIL.)

PENALTIES

ST 97-0214-GIL

05/05/1997 The Uniform Penalty and Interest Act, 35 ILCS 735/3-1, seq., governs penalties and interest imposed for late payments and filings in Illinois. (This is a GIL.)

POLLUTION CONTROL FACILITIES

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ST 97-0192-GIL 04/21/1997 This letter discusses applications of the Pollution Control Facilities exemption. See 86 Ill. Adm. Code 130.335. (This is a GIL.)

ST 97-0244-GIL 05/08/1997 Equipment which is used for the primary purpose of reducing or eliminating pollution can qualify for the Pollution Control Facilities exemption. Equipment which is used primarily to provide an economic benefit cannot qualify for the exemption. See 86 Ill. Adm. Code 130.335. (This is a GIL.)

ST 97-0285-GIL 06/02/1997 The pollution control facilities exemption extends to "any system, method, construction, device or appliance appurtenant thereto sold or used or intended for the primary purpose of eliminating, preventing, or reducing air and water pollution as the term 'pollution' is defined in the Environmental Protection Act, or for the primary purpose of treating, pretreating, modifying or disposing of any potential solid, liquid or gaseous pollutant prior to its release without right of treatment, pretreatment, modification or disposal might be harmful, detrimental or offensive to human, plant or animal life, or to property. See 86 Ill. Adm. Code 130.335. (This is a GIL.)

ST 97-0343-GIL 06/16/1997 In order to qualify for the pollution control exemption, the primary purpose of the item must be pollution control. See 86 Ill. Adm. Code 130.335. (This is a GIL.)

ST 97-0350-GIL 06/23/1997 In order to qualify for the pollution control facilities exemption, a facility must be a "system, method, construction, device or appliance appurtenant thereto sold or used or intended for the primary purpose of eliminating, preventing, or reducing air and water pollution, or for the primary purpose of treating, pretreating, modifying or disposing of any potential solid, liquid or gaseous pollutant which if released without such treatment, pretreatment, modification or disposal might be harmful, detrimental or offensive to human, plant or animal life, or to property." See 86 Ill. Adm. Code 130.335 (This is a GIL.)

ST 97-0357-GIL 06/25/1997 Gross receipts from sales of pollution control facilities are exempt from Retailers' Occupation Tax and Use Tax. See 86 Ill. Adm. Code 130.335. (This is a GIL.)

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PRODUCTS OF PHOTOPROCESSING

ST 97-0252-GIL 05/08/1997 Photographers are subject to Retailers' Occupation Tax on the photoprocessing component of their total charge when they sell products of photoprocessing. The tax on the photoprocessing component will not be applied regardless of whether the photographer performs the photoprocessing in-house, engages a third-party photoprocessor, or if the photoprocessing is done in-house, the photoprocessing charge cannot be less than the photoprocessor's cost price. See 86 Ill. Adm. Code 130.2000. (This is a GIL.)

ST 97-0347-GIL 06/17/1997 Photographers, film makers, and other servicemen are subject to Retailers' Occupation Tax on the photoprocessing component of their total service charge when they sell products of photoprocessing. See 86 Ill. Adm. Code 130.2000. (This is a GIL.)

ST 97-0359-GIL 06/26/1997 Photographers, film makers, and other servicemen are subject to Retailers' Occupation Tax on the photoprocessing component of their total service charge when they sell products of photoprocessing. See 86 Ill. Adm. Code 130.2000. (This is a GIL.)

PUBLIC UTILITY TAXES

ST 97-0315-GIL 06/09/1997 Taxpayers are not liable for tax with respect to their receipts from gas and electricity distributed, supplied, furnished or sold to the United States Government, its unincorporated departments, agencies or instrumentalities. However, taxpayers are liable for tax with respect to their gross receipts from gas and electricity distributed, supplied, furnished or sold to any agency or instrumentality of the United States Government, which agency or instrumentality is a separate entity. See 86 Ill. Adm. Code 470.160 and 510.160. (This is a GIL.)

REQUEST FOR INFORMATION

ST 97-0297-GIL 06/04/1997 This letter generally addresses the legal incidence of the Retailers' Occupation Tax and the Use Tax and discusses the imposition of local taxes. See 86 Ill. Adm. Code 270.115. (This is a GIL.)

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RETURNS

ST 97-0229-GIL

05/06/1997 Section 10 of the Use Tax Act, 35 ILCS 105/10 (1994 State Bar Edition), provides that purchasers of motor vehicles from out-of-State retailers shall file a return (form RUT-25, Motor Vehicle Use Tax Return) with the Department and remit the proper amount of tax due on the sale and use of the vehicle within 30 days of the date of the sale of the vehicle. After 30 days after those motor vehicles are brought into this State for use. (This is a GIL.)

ROLLING STOCK EXEMPTION

ST 97-0266-GIL

05/14/1997 Under the Retailers' Occupation Tax Act, the tax imposed under that Act does not apply to sales of tangible personal property to interstate carriers for hire for use as rolling stock moving in interstate commerce, or lessors under leases of one year or longer executed or in effect at the time of purchase to interstate carriers for hire for use as rolling stock moving in interstate commerce. See 86 Ill. Adm. Code 130.340. (This is a GIL.)

ST 97-0281-GIL

05/28/1997 The Retailers' Occupation Tax does not apply to sales of tangible personal property to interstate carriers for hire for use as rolling stock moving in interstate commerce, or lessors under leases of one year or longer executed or in effect at the time of purchase to interstate carriers for hire for use as rolling stock moving in interstate commerce. See 86 Ill. Adm. Code 130.340. (This is a GIL.)

ST 97-0290-GIL

06/07/1997 The Retailers' Occupation Tax Act provides an exemption for tangible personal property sold to interstate carriers for hire for use as rolling stock moving in interstate commerce, or lessors under leases of one year or longer executed or in effect at the time of purchase to interstate carriers under leases of one year or longer. See 35 ILCS 120/2-5(12) (1994 State Bar Edition). (This is a GIL.)

SALE AT RETAIL

ST 97-0238-GIL

05/07/1997 Sales of guns by a licensed Federal Firearms Dealer, are subject to Retailers' Occupation Tax plus local taxes on the selling price of the firearms. See 86 Ill. Adm. Code 130.101. (This is a GIL.)

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ST 97-0319-GIL

06/09/1997 Persons who permanently affix modular homes to real estate act as construction contractors and incur Use Tax liability on their cost price of the tangible personal property they physically incorporate into real estate. See 86 Ill. Adm. Code 130.2075. (This is a GIL.)

ST 97-0324-GIL

06/10/1997 An Illinois retailer is one who either accepts purchase orders in Illinois or maintains an inventory in Illinois and fills Illinois orders from that inventory. The Illinois retailer is liable for Retailers' Occupation Tax on gross receipts from sales and must collect the corresponding Use Tax incurred by purchasers. (This is a GIL.)

ST 97-0334-GIL

06/11/1997 Retailers' Occupation Tax is imposed upon persons engaged in this State in the business of selling at retail tangible personal property. See 86 Ill. Adm. Code 130.101. (This is a GIL.)

SALE FOR RESALE

ST 97-0190-GIL

04/23/1997 Discusses drop shipment situations and certificates of resale. See 86 Ill. Adm. Code 130.1405. (This is a GIL.)

ST 97-0199-GIL

05/02/1997 In order to document that transactions are sales for resale, retailers should obtain Certificates of Resale from their customers that contain the information required by 86 Ill. Adm. Code 130.1405. (This is a GIL.)

ST 97-0213-GIL

05/05/1997 The information required to be included on Certificates of Resale is set out at 86 Ill. Adm. Code 130.1405. (This is a GIL.)

ST 97-0217-GIL

05/05/1997 If persons shop for groceries from an order list that their customers have given them, and then those persons bill their customers for the amount of the groceries, the transaction is taxable as a retail sale. See 86 Ill. Adm. Code 130.101 (This is a GIL.)

ST 97-0224-GIL

05/05/1997 When retailers buy tangible personal property from vendors that they will resell to purchasers, they may purchase such items tax-free by providing their vendors with properly executed Certificates of Resale. See 86 Ill. Adm. Code 130.1405. (This is a GIL.)

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ST 97-0257-GIL

05/08/1997 When retailers buy tangible personal property that they will resell, they may purchase such items tax-free by providing their vendors with properly executed Certificates of Resale. See 86 Ill. Adm. Code 130.1405. (This is a GIL.)

ST 97-0271-GIL

05/15/1997 The information required on a Certificate of Resale is set out at 86 Ill. Adm. Code 130.1405(b). (This is a GIL.)

ST 97-0289-GIL

06/02/1997 Under the Retailers' Occupation Tax Act, the sale of tangible personal property to purchasers for the purpose of resale is not subject to Retailers' Occupation Tax. See 86 Ill. Adm. Code 130.210 (This is a GIL.)

ST 97-0304-GIL

06/06/1997 The sale of containers, as that term is defined in the Department's regulation, is not subject to Retailers' Occupation Tax when the purchasers of such containers transfer to customers the ownership of the containers together with what is contained in them. See 86 Ill. Adm. Code 130.2070. (This is a GIL.)

ST 97-0349-GIL

06/20/1997 Persons who purchase tangible personal property in Illinois for resale, and not for use or consumption, should provide sellers with Certificates of Resale. See 86 Ill. Adm. Code 130.1405. (This is a GIL.)

SALE OF SERVICE

ST 97-0175-GIL

04/03/1997 The provision of technical services to treat all refinery, cooling, boiler, and waste water applications at an oil refinery located in Illinois is a sale of service subject to the Service Occupation Tax Act. See 86 Ill. Adm. Code 140.101 (This is a GIL.)

ST 97-0235-GIL

05/06/1997 Generally sales of artwork are subject to Retailers' Occupation Tax. However, when artists are commissioned to do artwork (i.e., portraits), which will be of no commercial value to anyone other than the purchaser, any tangible personal property transferred as an incident of rendering service (i.e., paint and canvas) is subject to the Service Occupation Tax. See 86 Ill. Adm. Code 140.101. (This is a GIL.)

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ST 97-0282-GIL

04/22/1997 Under the Service Occupation Tax, servicemen are taxed on tangible personal property transferred as an incident to sales of service. See 86 Ill. Adm. Code 140.101 (This is a GIL.)

ST 97-0283-GIL

04/25/1997 Under the Service Occupation Tax Act, servicemen are taxed on tangible personal property transferred as an incident of their sales of service. See 86 Ill. Adm. Code 140.101. (This is a GIL.)

SERVICE OCCUPATION TAX

ST 97-0309-GIL

06/09/1997 Under the Service Occupation Tax Act, an exemption exists for the sale, employment and transfer of newspaper and ink for physical incorporation into newspapers or magazines. See 86 Ill. Adm. Code 140.125. (This is a GIL.)

ST 97-0327-GIL

06/11/1997 Pharmacists who provide prescription drugs to customers are considered to be servicemen under the Service Occupation Tax Act. Under the Service Occupation Tax Act, servicemen are taxed on tangible personal property transferred as an incident to sales of service. See 86 Ill. Adm. Code 140.101. (This is a GIL.)

ST 97-0340-GIL

06/16/1997 Under the Service Occupation Tax Act, servicemen are taxed on tangible personal property transferred incident to sales of service. See 86 Ill. Adm. Code 140.101. (This is a GIL.)

TELECOMMUNICATIONS EXCISE TAX

ST 97-0186-GIL

04/21/1997 The Telecommunications Excise Tax Act (35 ILCS 430/1, et seq.) is the act or privilege of originating, receiving, transmitting or intrastate telecommunications by a person in Illinois at the rate of 5% of the gross charges for telecommunications purchased at retail from a retailer. See 86 Ill. Adm. Code 495.100 (This is a GIL.)

ST 97-0194-GIL

04/24/1997 The Telecommunications Excise Tax is imposed upon the act or privilege of originating or receiving intrastate or interstate telecommunications in Illinois at the rate of 5% of the gross charges for such telecommunications purchased at retail from retailers.

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See 86 Ill. Adm. Code Part 495. (This is a GIL.)

05/06/1997 Under the Telecommunications Excise Tax Act, 35 ILCS 630/1 et seq., a tax is imposed upon the act or privilege of originating or receiving intrastate or interstate telecommunications by a person in Illinois at the rate of 5% of the gross charges for such telecommunications purchased at retail from a telecommunications provider. See 86 Ill. Adm. Code Sections 495.100 through 495.130. (This is a GIL.)

ST 97-0240-GIL

05/07/1997 The Telecommunications Excise Tax Act imposes a tax upon the act or privilege of originating or receiving in the State of Illinois telecommunications by a person in Illinois at the rate of 5% of the gross charge for such telecommunications purchased at retail from a retailer by such person. See 35 ILCS 630/4. (This is a GIL.)

ST 97-0263-GIL

05/12/1997 The Telecommunications Excise Tax Act, 35 ILCS 630/1 et seq. (1994 State Bar Edition), imposes a tax upon the act or privilege of originating or receiving telecommunications by a person in this State at the rate of 5% of the gross charges for such telecommunications purchased at retail from a retailer by such person. See 86 Ill. Adm. Code 495.100 through 495.130. Charges for services that are provided by telecommunication retailers that are necessary for, or are directly related to, the retailers' provision of telecommunications to their customers are included in the gross charges subject to Telecommunications Excise Tax. (This is a GIL.)

ST 97-0267-GIL

05/14/1997 This letter discusses applicability of the Telecommunications Excise Tax to internet access providers. See 86 Ill. Adm. Code Part 495. (This is a GIL.)

ST 97-0273-GIL

05/15/1997 The Telecommunications Excise Tax is imposed upon the act or privilege of originating or receiving intrastate or interstate telecommunications in Illinois at the rate of 5% of the gross charges for such telecommunications purchased at retail from a retailer. See 35 ILCS 630/3-4. (This is a GIL.)

ST 97-0276-GIL

05/21/1997 The Telecommunications Excise Tax Act imposes a tax upon the act or privilege of originating or receiving intrastate and interstate telecommunications by a person in Illinois at the rate of 5% of the gross

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charges for such telecommunications purchased at retail from retailers. See 86 Ill. Adm. Code Part 495 (This is a GIL.)

ST 97-0277-GIL

05/21/1997 The Telecommunications Excise Tax is imposed upon the act or privilege of originating or receiving telecommunications by a person in Illinois at the rate of 5% of the gross charges for such telecommunications purchased at retail from retailers. See 86 Ill. Adm. Code Part 495 (This is a GIL.)

ST 97-0305-GIL

06/06/1997 In general, activation fees are includable as part of the "gross charges" subject to the Telecommunications Excise Tax. See 86 Ill. Adm. Code 495.100. (This is a GIL.)

ST 97-0326-GIL

06/11/1997 Accelerated filers under the Telecommunications Excise Tax Act are not barred from requesting credit memorandums. See 35 ILCS Sections 630/6 and 630/10. (This is a GIL.)

TRADE-INS

ST 97-0203-GIL

05/02/1997 For the purposes of calculating Retailers' Occupation Tax liability, "gross receipts" are considered to mean all the consideration actually received by the seller, except traded-in tangible personal property. See 86 Ill. Adm. Code 130.401 and 130.425. (This is a GIL.)

USE TAX

ST 97-0185-GIL

04/18/1997 Retailers are prohibited from advertising or holding out that they will absorb the purchaser's Use Tax obligation. See 86 Ill. Adm. Code 130.515. (This is a GIL.)

ST 97-0275-GIL

05/21/1997 When retailers give away cellular phones and do not receive gross receipts from any source, they act as donors, and incur a Use Tax liability on the cost price of the cellular phones. (This is a GIL.)

ST 97-0330-GIL

06/11/1997 Under the Use Tax Act, a tax is imposed upon the privilege of using tangible personal property in Illinois purchased at retail from a retailer. See 86 Ill. Adm. Code 150.101. (This is a GIL.)

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ST 97-0360-GIL

06/26/1997 If purchasers have purchased tangible personal property and the sellers did not collect Use Tax from them at the time of sale, the purchasers must self-assess the appropriate amount of Use Tax and remit that amount directly to the Department. See 86 Ill. Adm. Code 130.701. (This is a GIL.)

VEHICLE USE TAX

ST 97-0316-GIL

06/09/1997 Article X of the Illinois Vehicle Code imposes a tax on the privilege of using a motor vehicle in this State that is acquired by gift, transfer, or purchase. 625 ILCS 5/3-1001 (1994 State Bar Edition). (This is a GIL.)

VENDORS

ST 97-0187-GIL

04/22/1997 Unless the exemption for bulk sales of merchandise from vending machines for 1 cent applies, property that is contained in such vending machines will incur Retailers' Occupation Tax on the gross receipts from the sale of that property. See the enclosed copy of 86 Ill. Adm. Code Sec. 130.2135. (This is a GIL.)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER

ROOM 16-503

CHICAGO, ILLINOIS

10:30 A.M.

SEPTEMBER 16, 1997

NOTICES: Due to Register submittal deadlines, the Agenda below may be incomplete. These items contained in this published agenda are likely to be considered by the Committee at the meeting.

It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706

RULEMAKINGS SCHEDULED FOR JCAR REVIEW

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

PROPOSED RULEMAKINGS

Board of Examiners

1. Certificate of Certified Public Accountant (23 Ill Adm Code 1400)
-First Notice Published: 21 Ill Reg 7808 - 6/27/97
-Expiration of Second Notice Period: 10/12/97

Human Rights

2. Procedures of the Department of Human Rights (56 Ill Adm Code 2520)
-First Notice Published: 21 Ill Reg 8129 - 7/7/97
-Expiration of Second Notice Period: 10/9/97

Insurance

3. Long-Term Care Partnership Insurance (50 Ill Adm Code 2018)
-First Notice Published: 21 Ill Reg 2890 - 3/7/97
-Expiration of Second Notice Period: 9/18/97
4. Pre-Licensing and Continuing Education (50 Ill Adm Code 3119)
-First Notice Published: 21 Ill Reg 6382 - 5/30/97

JOINT COMMITTEE ON ADMINISTRATIVE RULES

-Expiration of Second Notice Period: 9/25/97

Nuclear Safety

5. Accrediting Persons in the Practice of Medical Radiation Technology (32 Ill Adm Code 801)

-First Notice Published: 21 Ill Reg 6156 - 5/23/97

-Expiration of Second Notice Period: 9/18/97

Public Aid

6. Practice in Administrative Hearings (89 Ill Adm Code 104)

-First Notice Published: 21 Ill Reg 8207 - 7/7/97

-Expiration of Second Notice Period: 10/5/97

7. Assistance Standards (89 Ill Adm Code 111)

-First Notice Published: 21 Ill Reg 8190 - 7/7/97

-Expiration of Second Notice Period: 10/9/97

8. Medical Assistance Programs (89 Ill Adm Code 120)

-First Notice Published: 21 Ill Reg 2913 - 3/7/97

-Expiration of Second Notice Period: 10/3/97

9. Long Term Care Reimbursement Changes (89 Ill Adm Code 153)

-First Notice Published: 21 Ill Reg 7840 - 6/27/97

-Expiration of Second Notice Period: 10/5/97

Public Health

10. Structural Pest Control Code (77 Ill Adm Code 830)

-First Notice Published: 20 Ill Reg 14724 - 11/15/96

-Expiration of Second Notice Period: 10/12/97

Revenue

11. Hotel Operators' Occupation Tax Act (86 Ill Adm Code 480)

-First Notice Published: 20 Ill Reg 13035 - 10/4/96

-Expiration of Second Notice Period: 10/4/97

12. Telecommunications Excise Tax (86 Ill Adm Code 495)

-First Notice Published: 21 Ill Reg 5085 - 4/25/97

-Expiration of Second Notice Period: 10/8/97

Secretary of State

13. Certificates of Title, Registration of Vehicles (92 Ill Adm Code 1010)

-First Notice Published: 21 Ill Reg 7846 - 6/27/97

-Expiration of Second Notice Period: 10/3/97

State Police Merit Board

JOINT COMMITTEE ON ADMINISTRATIVE RULES

14. Procedures of the Department of State Police Merit Board (80 Ill Adm Code 150)

-First Notice Published: 21 Ill Reg 6925 - 6/6/97

-Expiration of Second Notice Period:

EMERGENCY AND PREROGATIVE RULEMAKINGSAgriculture

15. Meat and Poultry Inspection Act (8 Ill Adm Code 125) (Peremptory)

-Notice Published: 21 Ill Reg 11788 - 8/22/97

Central Management Services

16. Conditions of Employment (80 Ill Adm Code 303) (Emergency)

-Notice Published: 21 Ill Reg 11291 - 8/8/97

Children and Family Services

17. Department of Children and Family Services Employee Conflict of Interest (89 Ill Adm Code 437) (Emergency)

-Notice Published: 21 Ill Reg 11593 - 8/15/97

Commerce Commission

18. Universal Service (83 Ill Adm Code 765) (Emergency)

-Notice Published: 21 Ill Reg 11611 - 8/15/97

Commerce and Community Affairs

19. Job Training and Economic Development Demonstration Grant Program (56 Ill Adm Code 2660) (Emergency)

-Notice Published: 21 Ill Reg 12256 - 9/5/97

Professional Regulation

20. The Illinois Speech-Language Pathology and Audiology Practice Act (68 Ill Adm Code 1465) (Emergency)

-Notice Published: 21 Ill Reg 11785 - 8/22/97

Public Health

21. Child Health Examination Code (77 Ill Adm Code 665) (Emergency)

-Notice Published: 21 Ill Reg 11966 - 8/29/97

22. Immunization Code (77 Ill Adm Code 695) (Emergency)

-Notice Published: 21 Ill Reg 11973 - 8/29/97

EXPEDITED CORRECTION

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Pollution Control Board

23. Regulated Recharge Area (35 Ill Adm Code 617)

AGENCY RESPONSESLABOR

24. Health and Safety (56 Ill Adm Code 350)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of August 26, 1997 through September 1, 1997 and have been scheduled for review by the Committee at its September 16, 1997 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule, should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
10/9/97	Department of Human Rights, Procedures of the Department of Human Rights (56 Ill Adm Code 2520)	7/7/97 21 Ill Reg 8129	9/16/97
10/9/97	Department of Public Aid, Assistance Standards (89 Ill Adm Code 111)	7/7/97 21 Ill Reg 8190	9/16/97
10/12/97	Department of Public Health, Structural Pest Control Code (77 Ill Adm Code 830)	11/15/96 20 Ill Reg 14724	9/16/97
10/12/97	Board of Examiners, Certificate of Certified Public Accountant (23 Ill Adm Code 1400)	6/27/97 21 Ill Reg 7808	9/16/97

PROCLAMATIONS

97-423

AMERICAN BUSINESS WOMEN'S DAY

Whereas, the American Business Women's Association (ABWA) is an organization which was founded in 1949; and

Whereas, the ABWA is dedicated to the professional, educational, cultural, and social advancement of business women, in addition to helping women prepare for leadership roles in business; and

Whereas, the ABWA has made valuable contributions to both the public and private business sectors in the State of Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 22, 1997, as AMERICAN BUSINESS WOMEN'S DAY in Illinois.

Issued by the Governor August 1, 1997.

Filed by the Secretary of State August 8, 1997.

97-424

FIREFIGHTERS APPRECIATION MONTH

"Not a gift of a cow, nor a gift of land,
nor yet a gift of food, is so important
as the gift of safety, which is declared
to be the great gift among all gifts in this world."

Rachanathira (c. 31st century)

Whereas, firefighters are prepared to sacrifice their lives at all times in their professional service to their communities; and

Whereas, their immense contributions, both of personal risk and time devoted to public service, need to be acknowledged; and

Whereas, last year, firefighters in more than 100 Illinois communities raised and donated more than \$200,000 to the Muscular Dystrophy Association (MDA);

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 1997 as FIREFIGHTERS APPRECIATION MONTH in Illinois in conjunction with MDA's recognition of their efforts.

Issued by the Governor August 1, 1997.

Filed by the Secretary of State August 8, 1997.

97-425

ILLINOIS PARALEGAL ASSOCIATION AND
PARALEGAL/LEGAL ASSISTANT DAY

Whereas, paralegals aid in the efficient delivery of legal service to the public; and

Whereas, the Illinois Paralegal Association, the first professional paralegal organization in Illinois, was established in November of 1972 in response to the growing need for an organized professional association for paralegals; and

Whereas, the Illinois Paralegal Association promotes and maintains high standards in the paralegal profession and offers and encourages continuing education for paralegals; and

Whereas, October 8, 1997, will mark the celebration of the 25th anniversary of the association;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 8, 1997, as ILLINOIS PARALEGAL ASSOCIATION AND PARALEGAL/LEGAL ASSISTANT DAY in Illinois.

Issued by the Governor August 1, 1997.

Filed by the Secretary of State August 8, 1997.

97-426

UNITY MONTH

Whereas, the fabric of our society is made stronger through good relations between people of different races and ethnic groups; and

Whereas, the City of Chicago has many groups and organizations working to bring people together through work, play, education, prayer, and civic activities; and

Whereas, the Chicago Commission on Human Relations and the Human Relations Foundation (a supporting organization of the Chicago Community Trust), in coordination with other organizations throughout the city, will celebrate Unity Month during September 1997; and

Will join in support of unity, peace, and justice at various events to be held throughout the month;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 1997, as UNITY MONTH in Illinois in recognition of the significant role human relations plays in the future of our nation.

Issued by the Governor August 1, 1997.

Filed by the Secretary of State August 8, 1997.

97-427

CONSTITUTION WEEK

Whereas, our founding fathers, in order to secure the blessings of liberty for themselves and their posterity, did ordain and establish a Constitution for the United States of America; and

Whereas, it is of the greatest importance that all citizens fully understand the provisions and principles contained in the Constitution in order to support it, preserve it, and defend it against encroachment; and

Whereas, the Illinois Constitution provides an historic opportunity for all Americans to realize the achievements of the framers of the Constitution and the rights, privileges, and responsibilities it affords; and

Whereas, the independence guaranteed to American citizens, whether by birth or naturalization, should be celebrated by appropriate ceremonies and activities during Constitution Week as designated by proclamation of the President of the United States of America in accordance with Public Law 915;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 17-23, 1997, as CONSTITUTION WEEK in Illinois and urge all citizens to acknowledge the importance of our Constitution and the benefits of American citizenship.

Issued by the Governor August 4, 1997.

Filed by the Secretary of State August 8, 1997.

97-428

EMILY MILLS-PARKER CONGRATULATED

Whereas, Emily Mills-Parker has served the Evanston community, participating in numerous volunteer activities for over 33 years; and
Whereas, Emily Mills-Parker was instrumental in bringing art and music to Evanston, founding the Evanston Lakeshore Arts Festival as well as Evanston's free concerts in the parks; and

Whereas, Emily Mills-Parker has created and participated in many youth programs, such as the Baker Park and Nichols School programs, Potawatomi Day Camp, numerous sports camps, and Camp Fantastic for teens; and
Whereas, Emily Mills-Parker has also been involved in Evanston's outdoor winter sports, supervising the ice rinks in the parks, chaperoning ski trips, and supervising sledding and tobogganing at James Park Hill; and
Whereas, Emily Mills-Parker has been a source of inspiration to generations of youth, encouraging them through athletics to learn the qualities of teamwork, dedication, perseverance and independence; and
Whereas, Emily Mills-Parker will retire in August of 1997, having served her community admirably since 1964;

Therefore, I, Jim Edgar, Governor of the State of Illinois, extend to Emily Mills-Parker sincere congratulations on reaching this milestone.

Issued by the Governor August 4, 1997.
Filed by the Secretary of State August 8, 1997.

97-429

TRUCK DRIVER APPRECIATION WEEK

Whereas, America's professional truck drivers are hard-working men and women who serve the communities, schools, and businesses of the United States; and

Whereas, over the last decade, the fatal accident rate for trucks has gone down 34 percent while the miles driven by these trucks have gone up 37 percent; and

Whereas, professional truck drivers have been honored as among the safest drivers in the United States; and
Whereas, many have received awards for extraordinary acts of heroism and bravery for saving fellow motorists from injury and death;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 17-23, 1997, as TRUCK DRIVER APPRECIATION WEEK in Illinois.

Issued by the Governor August 4, 1997.
Filed by the Secretary of State August 8, 1997.

97-430

YOUTH ACHIEVERS DAY

Whereas, the most important natural resource our nation has is our young people; and

Whereas, the Annual Youth Achievers Awards will be held on September 7, 1997 in Philadelphia, Pennsylvania; and
Whereas, the purpose of these awards is to honor young Americans in 20 categories of community service, volunteerism, academic achievement, and leadership;

Whereas, during the Annual Youth Achievement Awards, the Grand Mentor

Award will also be presented to a senior citizen who has demonstrated a commitment to youth.
Whereas, the Annual Youth Achievement Awards provide opportunities for motivating youth and identify potential resources to support local community service programs across the country;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 7, 1997, as YOUTH ACHIEVERS DAY in Illinois.

Issued by the Governor August 4, 1997.
Filed by the Secretary of State August 8, 1997.

97-431

CERTIFIED PROFESSIONAL SECRETARIES MONTH

Whereas, the Certified Professional Secretaries (CPS) rating is one of the highest honors attainable in the secretarial profession. Professionals in government, business, and industry recognize that secretaries who have such a rating can be of valuable service to them; and
Whereas, secretaries must satisfactorily demonstrate their judgment, understanding, and administrative capabilities in an examination administered by the Institute for Certifying Secretaries; and
Whereas, certified secretaries possess knowledge and skill in business, relationships, business and public policy, economics, management, communication, decision-making, financial analysis, and office procedures; and

Whereas, the CPS rating has been awarded to more than 40,000 secretaries in our nation, nearly 2,000 of whom live in Illinois. Our state ranks fourth in the United States in the number of CPS-rated individuals;
Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1997 as CERTIFIED PROFESSIONAL SECRETARIES MONTH in Illinois and extend congratulations to secretaries who have earned this distinguished rating and to those striving for the honor.

Issued by the Governor August 5, 1997.
Filed by the Secretary of State August 8, 1997.

97-432

SCANDINAVIAN PATERNAL CONVENTION DAYS

Whereas, the Scandinavian Fraternal will sponsor a banquet on August 9, 1997, to celebrate their 95th convention of the 116-year-old organization; and
Whereas, the goal of the convention is to conduct business for the continuance of the Svithiod Society; and

Whereas, Svithiod awards scholarships to young high school graduates, with each student eligible to receive one of four \$200 grants; and
Whereas, Svithiod also maintains a Benevolent Assistance Program Fund for their needy members, having donated \$224,000 since 1972; and

Whereas, Svithiod strives to preserve their Scandinavian heritage and culture through their 14 Illinois lodges;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 7-10, 1997, as SCANDINAVIAN PATERNAL CONVENTION DAYS in Illinois.

Issued by the Governor August 5, 1997.
Filed by the Secretary of State August 8, 1997.

97-433

INACE WEEK

Whereas, the Illinois Association for Home and Community Education represents 21,113 members in Illinois and has provided educational opportunities in Illinois for 73 years; and
 Whereas, the Association's 1977-78 theme is "Families Move into the 21st Century;" and

Whereas, the purpose of the Illinois Association for Home and Community Education is to improve the quality of families through education; and
 Whereas, the Illinois Association for Home and Community Education has developed many leaders and volunteers in our communities;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 12-18, 1997, as INACE WEEK in Illinois.

Issued by the Governor August 6, 1997.

Filed by the Secretary of State August 8, 1997.

97-434

DISASTER AREA - COOK COUNTY

A severe storm system accompanied by heavy rainfall on August 16, 1997 moved through northeast Illinois. This rainfall has resulted in severe flooding and water in basements causing damage to personal property, disruption of commerce and damage to public property.

In the interest of assisting the City of Chicago and Cook County, I hereby declare Cook County a disaster area, pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7(1992).

This gubernatorial declaration of disaster will provide for the assessment of damages to determine the need for additional assistance.

Issued by the Governor August 21, 1997.

Filed by the Secretary of State August 21, 1997.

97-435

EDDIE AND MATTIE PHILLIPS CONGRATULATED

Whereas, Eddie Phillips and Mattie Harvey were united in marriage on August 11, 1947, in Bessemer, Alabama; and

Whereas, Eddie and Mattie are residents of Chicago, Illinois, and have lived there since 1947; and

Whereas, Eddie and Mattie are the parents of seven children: Jacqueline Alexander (Charles) of Harvey, Illinois; Eddie Jr. (Icelene) of Pontiac, Michigan; Linda Boyd (Edward) of Chicago, Illinois; Beverly of Pontiac, Michigan; David (Pamela) of Dolton, Illinois; James of Minot, North Dakota; and Carol of Chicago, Illinois; and

Whereas, Eddie, since retiring from Northern Trust Bank, has been active in Christian education, serving for a number of years as the Director of Christian Education at New Covenant Missionary Baptist Church; and

Whereas, Mattie, since retiring from Louise Burg Hospital, enjoys spending time with her many grandchildren and celebrating their 50th wedding anniversary on August 11, 1997;

Therefore, I, Jim Edgar, Governor of the State of Illinois, extend best wishes and sincere congratulations to Eddie and Mattie Phillips on their

wedding anniversary.

Issued by the Governor August 7, 1997.

Filed by the Secretary of State August 22, 1997.

97-436

GPCWC ILLINOIS JUNIOR WOMEN'S CLUB WEEK

Whereas, the GPCWC Illinois Federation of Women's Clubs' Junior Organization has been serving Illinois communities for over 50 years; and
 Whereas, the GPCWC Illinois Junior Women's Club is an all-volunteer organization that donated 550,700 hours on 10,700 projects/programs and donated over \$2.8 million during 1996; and

Whereas, the GPCWC Illinois Junior Women's Club has worked in areas such as Children at Risk, Very Special Arts, and has also been involved with youth literacy and safety for older Americans;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 5-11, 1997, as GPCWC ILLINOIS JUNIOR WOMEN'S CLUB WEEK in Illinois.

Issued by the Governor August 7, 1997.

Filed by the Secretary of State August 22, 1997.

97-437

PLATELET DONOR AWARENESS WEEK

Whereas, platelets are tiny disc-like blood cells which are essential for normal blood clotting; and

Whereas, patients who undergo treatment for cancer, leukemia, aplastic anemia and liver or bone marrow transplants are often in need of platelets from donors; and

Whereas, the demand for platelets transcends social, racial and economic boundaries; and

Whereas, cancer diagnoses continue to rise and the demand for platelets will increase 25 percent each year for the next five years; and

Whereas, it is important to increase the awareness of the general public of the life-saving effects of donating platelets;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 21-27, 1997, as PLATELET DONOR AWARENESS WEEK in Illinois.

Issued by the Governor August 7, 1997.

Filed by the Secretary of State August 22, 1997.

97-438

AUSTRIAN-AMERICAN DAY

Whereas, on September 26, 1945, a conference of representatives of the nine Austrian Federal States was held in Vienna, laying the foundation for the Provisional Austrian Government; and

Whereas, as a result of these meetings, Austria was prevented from being divided between East and West. Free elections were held as early as December 1945, and Austria was spared the fate of other European countries under Soviet occupation, remaining part of the free world; and

Whereas, Austrian immigrants to the United States have made immeasurable contributions to our country. Some famous Austrian-Americans include Supreme Court Justices Felix Frankfurter and Earl Warren, as well as economics experts

Friedrich von Hayek, Ludwig von Mises, Oskar Morgenstern, Gottfried von Haberler and Arthur Burns and
 Whereas, organizations representing Austrian-Americans seek to foster good will and better understanding between the people of the United States and Austria;
 Whereas, 1997 also marks the 50th anniversary of the Marshall Plan which assisted European countries in rebuilding after the devastation of World War II;
 Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 26, 1997, as AUSTRIAN-AMERICAN DAY in Illinois.
 Issued by the Governor August 8, 1997.
 Filed by the Secretary of State August 22, 1997.

97-438 LOVE DAY

Whereas, many people are hurting and in need of hope and encouragement;
 and Whereas, we should be reminded of anyone who is unfed, unwanted, abandoned, crippled, dying, hungry, homeless, aged, imprisoned, lonely or sick;
 and Whereas, I encourage our residents to help bring peace, comfort and love to all those who hurt in any way; and
 Whereas, a special day has been designated to remind us of the poor among us, the needy who seek help, the lonely who need companionship and others who need our special interest, compassion and love;
 Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 7, 1997, as LOVE DAY in Illinois.
 Issued by the Governor August 8, 1997.
 Filed by the Secretary of State August 22, 1997.

97-440

DOWNEY FAMILY CONGRATULATED

Whereas, the Downey family has been a mainstay at the Illinois State Fair for 50 years, serving varieties of food to patrons;
 Whereas, David Downey and Marilyn Downey Holler Smith have continued the proud tradition that was begun by their father, Jerome Downey, of Cantrall, Illinois, in 1947; and
 Whereas, the proceeds from the Downey-Holler concession stand have financed the college educations of several of Jerome Downey's grandchildren;
 and Whereas, it is families such as the Downeys who have made the Illinois State Fair the wonderful success that it has been for 145 years;
 Therefore, I, Jim Edgar, Governor of the State of Illinois, extend congratulations to the Downey family on reaching this milestone and wish them continued success.
 Issued by the Governor August 11, 1997.
 Filed by the Secretary of State August 22, 1997.

97-441

FEAST OF ST. MAXIMILIAN KOLBE DAY

Whereas, on Sunday, August 17, 1997, the Polish National Alliance will join the Polish Community at the second commemorative Mass celebrated by Bishop Ignacy Jez of Koszalin, Poland; and
 Whereas, the Mass will be celebrated at the Holy Trinity Mission in Chicago;
 Whereas, in the honor of St. Maximilian Kolbe, a priest and martyr, who was sent to the Auschwitz (Oswiecim) concentration camp in Poland;
 Whereas, St. Maximilian Kolbe, through an incredible act of heroism gave up his life for his fellow prisoners;
 Whereas, on August 14, 1997, there will be a feast day of St. Maximilian Kolbe; and
 Whereas, Polish people all over the world will commemorate St. Kolbe and all the victims of World War II; and
 Whereas, during this period of remembrance and worship, we honor all those whose lives were lost during the occupation of Poland;
 Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 14, 1997, as THE FEAST OF ST. MAXIMILIAN KOLBE DAY in Illinois.
 Issued by the Governor August 11, 1997.
 Filed by the Secretary of State August 22, 1997.

97-442

MARROW AWARENESS MONTH

Whereas, the National Marrow Donor Program (NMDP) is celebrating its 10th anniversary; and
 Whereas, many people continue to die from leukemia and other life-threatening blood diseases because they are unaware that a bone marrow transplant could be life saving;
 Whereas, the mission of the NMDP is to facilitate successful transplants of hematopoietic cells from volunteer unrelated donors for patients of all racial and socioeconomic backgrounds; and
 Whereas, it is a goal of the NMDP to continue to increase the number of African American, Hispanic/Latino, Asian American/Pacific Islander and American volunteer donors through focused recruitment efforts; and
 Whereas, the Registry of donors contains over 2.7 million volunteers who have agreed to become unrelated marrow donors for people unknown to them, but in need of a transplant;
 Whereas, working with its affiliated centers have recruited 39,543 unrelated marrow donors of Illinois have received transplants;
 Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 1997 as MARROW AWARENESS MONTH in Illinois.
 Issued by the Governor August 11, 1997.
 Filed by the Secretary of State August 22, 1997.

97-443

PAKISTANI DAY

Whereas, the Pakistani American community living in Illinois has made numerous contributions toward the progress of our state; and
 Whereas, their contributions and leadership have enriched our state in the fields of medicine, technology, science, and business; and
 Whereas, the Pakistani American community has shared its heritage and

culture with our citizens; and

Whereas, 1997 marks the 50th Anniversary of Pakistan's Independence;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 14, 1997 as PAKISTAN DAY in Illinois.

Issued by the Governor August 11, 1997.

Filed by the Secretary of State August 22, 1997.

97-444

RIVERSIDE BRANCH OF THE AMERICAN ASSOCIATION OF UNIVERSITY WOMEN CONGRATULATED

Whereas, the American Association of University Women (AAUW) promotes equity, life-long education and positive social change for all women; and

Whereas, the AAUW Educational Foundation provides funds to advance education, research and self-development for women; and

Whereas, the AAUW's Legal Advocacy Fund provides funding and a support system for women seeking judicial redress for sexual discrimination in higher education and awards institutions that advance equity; and

Whereas, the Riverside Branch of the American Association of University Women received its charter from the National Association on August 13, 1948;

and

Whereas, the Riverside Branch of the AAUW is celebrating its 50th anniversary;

Therefore, I, Jim Edgar, Governor of the State of Illinois, extend sincere congratulations to the members of the Riverside Branch of the American Association of University Women on reaching this milestone.

Issued by the Governor August 11, 1997.

Filed by the Secretary of State August 22, 1997.

97-445

GEORGE BAXTER CONGRATULATED

Whereas, George Baxter has shown milking shorthorns at the Illinois State Fair since 1947; and

Whereas, his herd was established in 1935, and New R Idle Farms maintains a 50 head herd; and

Whereas, George and Ruth Ann are the parents of Byron, Mark, Sheila and Keith;

Therefore, I, Jim Edgar, Governor of the State of Illinois, would like to commend him for his many years of hard work;

and

Whereas, George Baxter and his milking shorthorns are an Illinois State Fair tradition;

Therefore, I, Jim Edgar, Governor of the State of Illinois, would like to congratulate Mr. George Baxter for his 50 years of showing milking shorthorns at the Illinois State Fair.

Issued by the Governor August 12, 1997.

Filed by the Secretary of State August 22, 1997.

97-446

CARL AND DOROTHY WINGFIELD CONGRATULATED

Whereas, Carl and Dorothy Wingfield began their Illinois State Fair tradition in 1947, as a young couple who were showcasing the Seaman Rotary

Tiller; and

Whereas, the Wingfield tradition has been an annual event ever since, now being carried on by Carl and Dorothy's son, Dean; and

Whereas, the Wingfield's agricultural machinery exhibit has evolved from showing the Seaman Rotary Miller in the 1940's and 50's, to the Graham/Hoeme Chisel Plow in the 50's and 60's; and

Whereas, Dean's first entrepreneurial adventure with the introduction of the Wingfield's Wingfield Miller Rod in the 1970's and 80's, and continued this trend into the 1990's with the introduction of Dean's Multiflex Flexible Vine Harrow; and

Whereas, the Wingfield are hosting an anniversary party, in cooperation with the Illinois Department of Agriculture and the Illinois State Fair, to celebrate the Wingfield's 50 years at the Illinois State Fair;

Therefore, I, Jim Edgar, Governor of the State of Illinois, extend congratulations on reaching this milestone and wish them continued success in their agricultural endeavors.

Issued by the Governor August 12, 1997.

Filed by the Secretary of State August 22, 1997.

97-447

AMERICAN CRAFT EXPOSITION DADS

Whereas, 1997 marks the 13th Annual American Craft Exposition; and

Whereas, the highly prestigious juried exposition will be held at the Henry Crown Sports Pavilion at Northwestern University Campus in Evanston, Illinois; and

Whereas, the show is considered the finest in the Midwest and educates the community about fine crafts in the media of baskets, ceramics, fiber decorative, fiber wearable, glass, jewelry, leather, metal, and mixed media and wood; and

Whereas, proceeds from the show, derived from gate receipts, benefit the Evanston and Glenbrook Hospitals Medical Genetics Program; and

Whereas, artisans are able to showcase their work and speak directly with attendees to teach specifics about their unique craft;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 14, 1997 as the AMERICAN CRAFT EXPOSITION DADS in Illinois.

Issued by the Governor August 14, 1997.

Filed by the Secretary of State August 22, 1997.

97-448

CHILD HEALTH MONTH

Whereas, members of the Child Health Month Partnership, joined by corporations, other organizations and religious institutions, are organizing dozens of activities and events to take place during October to raise awareness about such topics as preschool immunization, childhood lead poisoning, prenatal care, violence prevention, nutrition, physical fitness, substance abuse, and injury prevention; and

Whereas, good health provides the foundation for a child's proper emotional, intellectual and physical development; and

Whereas, many precautions can be taken in order to provide proper care such as prenatal care, as well as checkups, proper nutrition and immunizations

to help guard against disease in very young children; and

Whereas, education programs can provide young people with information about healthy life skills and choices while trying to prevent children from becoming exposed to health risks; and

Whereas, many young people are at risk for sexually transmitted diseases including HIV; and

Whereas, many children and adolescents remain unable to obtain basic child care; and

Whereas, children and adolescents need healthy families and supportive communities to thrive;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1997 as CHILD HEALTH MONTH in Illinois.

Issued by the Governor August 14, 1997.

Filed by the Secretary of State August 22, 1997.

97-449

GERMAN CARNIVAL DAY

Whereas, on November 11, 1997, at the 11th hour 11th minute and 11th second, Carnival season officially begins and Prince Helmut II and Princess Marianne I will be crowned for the 1998 Carnival season; and

Whereas, under the leadership of Joe Matuschke, president, der Rheinischer Verein Von, Chicago will celebrate Carnival as it has for 106 years; and

Whereas, the tradition of Carnival is several hundred years old and dates back to Medieval times in Europe; and

Whereas, the many legends as to how Carnival got its start; and

Whereas, the celebration of Carnival is an important way to carry on the German tradition and culture in America; and

Whereas, German Americans, the largest ethnic group in Illinois, have contributed much to the state in the areas of art, education, science, culture and business;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 11, 1997, as GERMAN CARNIVAL DAY in Illinois.

Issued by the Governor August 14, 1997.

Filed by the Secretary of State August 22, 1997.

97-450

NAJASO DAYS

Whereas, the National Association of Jamaica and Supportive Organizations (NAJASO) is a not-for-profit group with 40 affiliates throughout North America and Jamaica, that provides academic, medical and community services to

Whereas, NAJASO has provided numerous scholarships to universities in North America and Jamaica through the Marcus Garvey Scholarships, provided educational funding to artists and high school students, and provided donations to the Jamaican Adult Literacy Program, and teacher summer workshops and exchanges; and

Whereas, NAJASO has also provided health care to Jamaica through volunteer medical teams and donated supplies and equipment to hospitals in Jamaica and Haiti; and

Whereas, NAJASO has donated funds to victims of disasters, worked with the

homeless and has striven to enrich cultural awareness through presentations and programs; and

Whereas, NAJASO will hold its 20th annual convention on August 21-24, 1997, in Chicago;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 21-24, 1997, as NAJASO DAYS in Illinois.

Issued by the Governor August 14, 1997.

Filed by the Secretary of State August 22, 1997.

97-451

RUSSIAN ARTS & FESTIVAL WEEK

Whereas, the 2nd annual Russian Arts & Culture Festival in Chicago is sponsored by the American Russian Cultural Arts Exchange and will take place October 31-November 7, 1997; and

Whereas, the exchange will include lectures and meetings with students of the arts from the greater metropolitan Chicago areas; and

Whereas, dancers from the Mariinsky Ballet, as well as solo performers of the Mariinsky Theatre of St. Petersburg, will perform; and

Whereas, Mr. Armen Dzhigarkhanyan, Russian film and theatre actor, will perform with members of "Theatre D" of Moscow; and

Whereas, the National Puppet Theatre of Satire from St. Petersburg will perform and films from contemporary filmmakers will be shown; and

Whereas, Russian iconographers will present a display of new Russian iconographers and Russian graphic artists, and sculptors from Moscow will present exhibits;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 31-November 7, 1997, as RUSSIAN ARTS & FESTIVAL WEEK in Illinois.

Issued by the Governor August 14, 1997.

Filed by the Secretary of State August 22, 1997.

97-452

TASTE OF POLONIA DAYS

Whereas, 1997 marks the 25th anniversary of the Copernicus Foundation, a cultural and civic center serving the Polish community as well as other ethnic groups; and

Whereas, the Copernicus Foundation sponsors the annual Taste of Polonia, August 30-September 1, 1997, Chicago's largest ethnic neighborhood festival and has provided entertainment to more than one million people; and

Whereas, the Officers of the Copernicus Foundation are Mitchell P. Kobalinski, President; Sophia Kaspar, Executive Director; and Ellen Wierzevski, Assistant Executive Director; and

Whereas, it is the mission of the Copernicus Foundation to preserve the Polish culture and historic heritage with pride; and

Whereas, the Copernicus Foundation was chartered as a not-for-profit organization in July of 1971 to serve the Metropolitan Chicago area as a major

civic, educational, recreational and entertainment resource; and

Whereas, the Copernicus Foundation is considered a Polish home where every visitor is greeted according to the Polish tradition "Gosc W Dom-Bog W Dom" -

"A guest entering your home is like God Himself entered your home;"

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim

August 30-September 1, 1997, as TASTE OF POLONIA DAYS in Illinois.

Issued by the Governor August 14, 1997.

Filed by the Secretary of State August 22, 1997.

97-453

UKRAINIAN INDEPENDENCE DAY

Whereas, the Ukrainian community of the Chicago metropolitan area will be commemorating the sixth anniversary of Ukraine's declaration of independence; and

Whereas, the program will commence with a religious service, and dignitaries will speak; and

Whereas, the latter portion of the program will consist of outdoor artistic presentations by Ukrainian American singing and dancing groups, which will be followed by a Ukrainian American community picnic; and

Whereas, the Ukrainian Americans have contributed greatly to the state of Illinois in all areas including arts, sciences, business, medicine, law, government, and public service;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 24, 1997, as UKRAINIAN INDEPENDENCE DAY in Illinois.

Issued by the Governor August 15, 1997.

Filed by the Secretary of State August 22, 1997.

97-454

ILLINOIS SOCIETY FOR RESPIRATORY CARE WEEK

Whereas, the Illinois Society for Respiratory Care is a well-known organization of respiratory care practitioners who practice throughout our state; and

Whereas, respiratory care practitioners are involved in an extensive number of lifesaving and life-supporting activities, including care for patients diagnosed with asthma, emphysema, pneumonia, and various lung disorders, as well as for seriously ill patients who have suffered cardiac or respiratory arrest; and

Whereas, respiratory care practitioners are a vital and important link in our nation's health care delivery system; and

Whereas, the Illinois Society for Respiratory Care is celebrating its 50th anniversary;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 12-18, 1997, as ILLINOIS SOCIETY FOR RESPIRATORY CARE WEEK in Illinois.

Issued by the Governor August 18, 1997.

Filed by the Secretary of State August 22, 1997.

97-455

LAKE COUNTY CONTRACTORS ASSOCIATION CONGRATULATED

Whereas, the Lake County Contractors Association (LCCA) was founded in 1947 to provide construction services to area developers, manufacturers and other construction users; and

Whereas, LCCA has contributed to the formation of related industry organizations including the Illinois Construction Industry Committee, the Construction Industry Service Corporation, the Chicago Land Construction Safety

Council and the Mid-America Regional Bargaining Association, all of which are designed to promote safe, responsible, union construction work; and

Whereas, LCCA provides its members with timely information, education and safety training, while protecting members' interest in government and labor relations; and

Whereas, LCCA promotes economic development and contributes to the community, and LCCA members have donated their time, materials, labor and expertise to help construct Lake County landmarks such as the Waukegan IMCA, the Exchange Club of Waukegan's Band Shell on the lake, and the LACASH BUILDING in Okauchee;

Whereas, LCCA has promoted the use of union contractors to assure high-quality construction at a competitive cost;

Therefore, I, Jim Edgar, Governor of the State of Illinois, congratulate the Lake County Contractors Association for its 50 years in the construction industry and extend best wishes for the coming half-century.

Issued by the Governor August 18, 1997.

Filed by the Secretary of State August 22, 1997.

97-456

MINORITY ENTERPRISE DEVELOPMENT WEEK

Whereas, Minority Enterprise Development Week is an annual celebration of the contributions and achievements made by minority businesses in Illinois and throughout the United States; and

Whereas, the growth and prosperity depend on the full participation of all Illinois citizens; and

Whereas, it is the policy in Illinois to promote and encourage the economic development of minority-owned businesses; and

Whereas, for the past 13 years, this state has made great advances in increasing the participation of the minority community in state business; and

Whereas, on September 9, business and professional leaders from across the region will join together at the 15th Annual Minority Enterprise Development Week awards ceremony to honor Chicago's outstanding minority business entrepreneurs and throughout the state for 1997;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 8-12, 1997, as MINORITY ENTERPRISE DEVELOPMENT WEEK in Illinois in recognition of the contributions and achievements of minority entrepreneurs in Chicago and throughout our state;

Issued by the Governor August 18, 1997.

Filed by the Secretary of State August 22, 1997.

97-457

AMERICAN POW RECOGNITION DAY

Whereas, many loyal and brave Americans who served in the wars of this nation were captured by the enemy or listed as missing in action; and

Whereas, American prisoners of war have often suffered unconscionable treatment despite international codes on the subject and many have died as a result of cruel and inhuman acts by the enemy captors; and

Whereas, it is fitting that we recognize the sacrifices of American Prisoners of War and those missing in action;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim

September 16, 1997, as AMERICAN POW RECOGNITION DAY in Illinois and call upon Illinoisans to observe this day with appropriate ceremonies and programs so that the memory of these brave Americans will not be lost.

Issued by the Governor August 19, 1997.
Filed by the Secretary of State August 22, 1997.

97-458

CAREER DEVELOPMENT MONTH

Whereas, career development is an essential part of Illinois' education process, helping to bridge the gap between school and business, industry and labor; and

Whereas, career development helps individuals understand, select and train for those occupations that will provide careers in the increasingly challenging labor market in the future; and

Whereas, individuals may change careers or need to be retrained several times during their career development process, and the State of Illinois is committed to providing a life-long process that reaches far beyond the school system;

Whereas, the State of Illinois continues to emphasize career development for all people to assist them in preparing for the future through the Education-to-Careers Initiative, the welfare to work initiative and the Illinois Employment and Training Center network;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 1997 as CAREER DEVELOPMENT MONTH in Illinois.

Issued by the Governor August 19, 1997.
Filed by the Secretary of State August 22, 1997.

97-459

CORN GROWERS ASSOCIATION DAY

Whereas, the Illinois Corn Growers Association was founded in 1972 to serve the corn producers of Illinois; and

Whereas, the Association works to maximize the profitability of corn production; and

Whereas, the Association works to fulfill their mission by conducting market development projects and by supporting policies and programs aimed at expanding the market for corn; and

Whereas, Association members represent corn growers' interests at the state and national levels of government; and

Whereas, all corn producers in the State of Illinois benefit from the efforts of the 5,000 dues-paying members of the Illinois Corn Growers Association; and

Whereas, the Association is a leading supporter of ethanol as a renewable, reliable energy source; and

Whereas, Association activities, such as the Value-Added Corn Conference, help producers prepare for and take advantage of evolving industry trends; and

Whereas, corn production is a vital component of the state's economy, accounting for one-third of the \$8 million generated each year from the marketing of Illinois agricultural commodities; the State of Illinois, proclaim November 1997 as CORN GROWERS ASSOCIATION DAY in Illinois.

Issued by the Governor August 19, 1997.
Filed by the Secretary of State August 22, 1997.

97-460

LIVING FAITH MINISTRIES CHURCH CONGRATULATE

Whereas, the Living Faith Ministries Church will be dedicated on Sunday, August 31, 1997; and

Whereas, in November of 1991, the Living Faith Ministries, Inc. was founded at the University of Illinois YMCA as a campus ministry; and

Whereas, the congregation gave of themselves to be blessed with a new church edifice; and

Whereas, the pastors of the Living Faith Ministries Church should be commended for their dedication in providing services which have a positive impact on the community; and

Whereas, Pastor Louise Richardson gave of herself in providing services absent of her own personal challenges;

Therefore, I, Jim Edgar, Governor of the State of Illinois, congratulate the congregation and the pastors of the Living Faith Ministries Church for their hard work and dedication.

Issued by the Governor August 19, 1997.
Filed by the Secretary of State August 22, 1997.

97-461

NORTHFIELD PARK DISTRICT DAY

Whereas, the Northfield Park District began in 1957 in Jim Clarkson's basement; and

Whereas, the Park District then moved to Sunset Ridge, then to Middlefork School, and will move to the soon-to-be-built community center; and

Whereas, the Northfield Park District has offered many quality programs for children and adults; and

Whereas, the Northfield Park District will celebrate its 40th anniversary; Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 20, 1997, as NORTHFIELD PARK DISTRICT DAY in Illinois.

Issued by the Governor August 19, 1997.
Filed by the Secretary of State August 22, 1997.

97-462

QUALITY MONTH

Whereas, a commitment to excellence in manufacturing and service is essential to our nation's long-term economic welfare; and

Whereas, over the years, American craftsmen have shown great personal pride and interest in developing quality goods and services; and

Whereas, individual workers, business managers, labor leaders, educators, and government officials must all work to promote a standard of excellence in the public and private sectors; and

Whereas, from the smallest to the largest manufacturing and service organizations in Illinois, total quality and continuous improvement are major concerns of all who believe in the long-term existence of their operations; and

Whereas, the American Society for Quality Control, an international society with more than 137,000 members worldwide, is taking part in a national campaign to stimulate support, and strengthen America's commitment to quality in all types of organizations; and

Whereas, the Central Illinois Section of the American Society for Quality Control will sponsor activities in Decatur, Illinois, on October 9, 1997, in support of this national awareness campaign;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1997 as QUALITY MONTH in Illinois.

Issued by the Governor August 19, 1997.
Filed by the Secretary of State August 22, 1997.

97-463

WORLD POPULATION AWARENESS WEEK

Whereas, the 21st Century offers enormous environmental and societal challenges for state and local governments that include diminishing farmland, urbanization, traffic congestion, air quality, and climate change; and

Whereas, these challenges require innovative leadership to ensure resource conservation, protection of open spaces, waste prevention, sanitation management and a higher quality of life;

Whereas, these challenges are inextricably linked to patterns of considerable demographic change, such as areas west of the Mississippi River doubling in population size as rapidly as Africa, the world's fastest growing continent; and

Whereas, the United States Bureau of the Census has stated that the current United States population of 267 million is on course to reach 400 million by the year 2050; and

Whereas, world population is projected to reach 6 billion before the end of this century and could reach between 8-12 billion, or even higher, before leveling off, with 98 percent of population growth now and through the foreseeable future projected to occur in the least developed countries of the world; and

Whereas, demographic problems are not limited to the least developed nations and, indeed, concern the United States and the industrialized world, with our consumptive lifestyle as well;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 26-November 1, 1997, as WORLD POPULATION AWARENESS WEEK in Illinois.

Issued by the Governor August 19, 1997.
Filed by the Secretary of State August 22, 1997.

97-464

EARTH SCIENCE WEEK

Whereas, geology and the other earth sciences are fundamental to society; and

Whereas, the earth sciences are integral to finding, developing, and conserving mineral, energy, and water resources needed for society; and

Whereas, the earth sciences provide the basis for preparing for and mitigating natural hazards such as floods, landslides, earthquakes, volcanic eruptions, sinkholes, and coastal erosion;

Whereas, the earth sciences are crucial to environmental and ecological issues ranging from water and air quality to waste disposal; and

Whereas, geological factors of resources, hazards, and environment are vital to land management and land use decisions at local, state, regional, national, international, and global levels; and

Whereas, the earth sciences contribute to our understanding of nature; Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 12-18, 1997, as EARTH SCIENCE WEEK in Illinois.

Issued by the Governor August 20, 1997.
Filed by the Secretary of State August 22, 1997.

97-465

EAST-WEST UNIVERSITY CONGRATULATED

Whereas, the East-West University's recently renovated building, located at 816 South Michigan Avenue, will be dedicated on August 30, 1997; and

Whereas, on December 10, 1978, seven people formed a planning group to establish an institution of higher learning which provides relevant, effective, and convenient education;

Whereas, the East-West University offers positions in Liberal Arts and Sciences in addition to Job and Career Related Professional Education specializing in the Service Economy of the Current Times; and

Whereas, the East-West University seeks to cultivate Equal Education Opportunity for all racial, ethnic, and socio-economic groups; and

Whereas, the East-West University strives to satisfy the goals of serving mankind with a global, multi-cultural, and future-oriented perspective through its educational, research, and informational programs; and

Whereas, the new edition will include a new student center, four additional classrooms including a state-of-the-art computer lab, a book store, and an updated computerized library;

Therefore, I, Jim Edgar, Governor of the State of Illinois, wish to congratulate the East-West University on the dedication of the newly remodeled building.

Issued by the Governor August 20, 1997.
Filed by the Secretary of State August 22, 1997.

97-466

GOOD NEIGHBOR DAY

Whereas, Flowerwood and Home State Bank will sponsor "Good Neighbor Day" on September 10, 1997, supported by the Northwest Herald and Star, 105.5 Radio and assisted by the Greater Crystal Lake Area Chamber of Commerce and Industry and the Crystal Lake Jaycees; and

Whereas, in observance of "Good Neighbor Day," Flowerwood and Home State Bank will be giving away 12,000 roses in lots of one dozen; and

Whereas, as a gesture of friendship and love, Flowerwood asks that the recipients give eleven roses away to ten different people, hopefully completing a chain of kindness and goodwill;

Whereas, this type of community service promotes goodwill among citizens and offers an opportunity to meet new people and make new friends;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 10, 1997, as GOOD NEIGHBOR DAY in Illinois.

Issued by the Governor August 20, 1997.
Filed by the Secretary of State August 22, 1997.

97-467

LASALLE BANKS CHICAGO MARATHON WEEK

Whereas, the LaSalle National Bank and 30 other sponsors are supporting the 20th annual LaSalle Banks Chicago Marathon & 5K Run which will be held on October 19, 1997; and

Whereas, more than 16,000 entrants from all over the world will compete in the marathon, 5K run and wheelchair marathon; and

Whereas, approximately 350,000 spectators will line 26.2 miles of the streets of Chicago, from Grant Park to Lincoln Park to South Commons;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 19-19, 1997, as **LA SALLE BANKS CHICAGO MARATHON WEEK** in Illinois.

Issued by the Governor August 20, 1997.
Filed by the Secretary of State August 22, 1997.

97-468

MAKE A DIFFERENCE DAY

Whereas, the foundation of a humane and just society is the people's willingness to work together for the common good; and

Whereas, our country's volunteer force of 89.2 million people is a great treasure; and

Whereas, self-sacrificing individuals mobilized to help others can stem the tide of poverty, hunger, homelessness, spouse and child abuse, and other problems that afflict society; and

Whereas, the giving of oneself in service to another empowers the giver and the recipient; and

Whereas, it is the duty of all our citizens to search out opportunities to make a difference in the lives of those around them and dedicate time and resources to betterment of the community;

Whereas, **USA WEEKEND** is working in partnership with The Points of Light Foundation to promote a national day of doing good;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 25, 1997, as **MAKE A DIFFERENCE DAY** in Illinois.

Issued by the Governor August 20, 1997.
Filed by the Secretary of State August 22, 1997.

97-469

PAYROLL WEEK

Whereas, the American Payroll Association and its 14,000 members have launched a campaign that pays tribute to the more than 125 million people who work in the United States to support the American Dream and the people who professionals who support the American system by paying wages, reporting worker earnings and payroll information to the Internal Revenue Service; and

Whereas, payroll professionals play an increasingly important role in maintaining this state's economic health, carrying out such diverse tasks as paying in to the unemployment insurance system, providing information for child support enforcement and carrying out tax withholding, reporting and depositing; and

Whereas, payroll departments collectively spend more than \$15 billion annually complying with a myriad of federal and state wage and tax laws; and

Whereas, payroll professionals plan an increasingly important role in ensuring the economic security of American families by helping to identify noncustodial parents and making sure they comply with their child support mandates; and

Whereas, payroll professionals have become increasingly proactive in educating both the business community and the public at large about the payroll tax withholding systems; and

Whereas, payroll professionals meet regularly with federal and state tax officials to discuss both improving compliance with government procedures and how compliance can be achieved at less cost to both government and businesses; and

Whereas, taxes that are withheld from pay support important civic projects, including roads, schools and parks;

Whereas, I, Jim Edgar, Governor of the State of Illinois, proclaim September 22, 1997, as **PAYROLL WEEK** in Illinois.

Issued by the Governor August 20, 1997.
Filed by the Secretary of State August 22, 1997.

97-470

POLISH AMERICAN HERITAGE MONTH

Whereas, over one million residents of Polish descent in the State of Illinois join in celebration of their Polish heritage during the month of October; and

Whereas, Polish immigrants sought freedom, democracy, and a better way of life in America and brought with them their cherished national customs, their love of closely-knit family life, and their affection for their adopted country; and

Whereas, October is a national observance focusing on the many contributions of Polish Americans to the fields of education, science, medicine, law, business, public administration, and the arts;

Whereas, the observance also recognizes the vital role of Polish American teachers engaged in the noble work of educating youth. Teachers encourage inquisitiveness, appreciation, and respect for the ideals preserved by Americans of Polish descent; and

Whereas, in October, we join Americans of Polish descent to celebrate their priceless heritage of democracy, tolerance, and humanitarianism;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1997 as **POLISH AMERICAN HERITAGE MONTH** in Illinois.

Issued by the Governor August 20, 1997.
Filed by the Secretary of State August 22, 1997.

97-472

WOMEN'S EQUALITY DAY

Whereas, the observance of Women's Equality Day provides the opportunity for the citizens of Illinois to recognize women's contributions in every aspect of our society; and

Whereas, it is the public policy of the State of Illinois to encourage women to participate at every level and in every facet of our society; and

Whereas, American women have provided local, state and national leadership and have been active participants in the historic struggle against sex discrimination in laws, in the marketplace and in education; and

Whereas, it is appropriate that we recognize the achievements of the women of America and renew our efforts to ensure equal opportunity for all people of this nation;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 26, 1987, as WOMEN'S EQUALITY DAY in Illinois, and I urge all citizens to participate in community programs in observance of the day.

Issued by the Governor August 20, 1997.

Filed by the Secretary of State August 22, 1997.

97-472

WOMEN IN CONSTRUCTION WEEK

Whereas, this year marks the 44th anniversary of the founding of the National Association of Women in Construction (NAWIC); and
Whereas, nearly 6,000 members nationwide contribute their expertise to

Whereas, NAWTC is dedicated to furthering the education of women in their careers by providing services and programs; and

Whereas, young people are encouraged

architecture, civil engineering and numerous other fields.

97-473

Y-MR NATIONAL BREAST CANCER DAY

Whereas, founded in 1978, Y-WE National Breast Cancer is the largest independent organization in the country serving women with breast cancer and their families and friends; and

Whereas, Y-ME promotes methods and the

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Rules acted upon during the quarter of April 1 through June 30, 1997 (Issues 17-28) are listed in the Issues Index by Title number and Issue number. For example, 50 III, Adm. Code 4401 published in Issue 40 will be listed as 50-4401-40. The letter "R" designates a rule that is being repealed. The quarterly Sections Affected Index and Cumulative Index will be published in Issue 29 (July 15); Issue 42 (October 17); and Issue 3 (January 16, 1998). Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 (natal@dc.state.oh.us state.oh.us (Internet address)).

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